



LORD CAMDEN.

Gal 6 M 9
THE
NORTH BRITON,

XLVI. Numbers complete.

By JOHN WILKES, Esq. C. CHURCHILL,
AND OTHERS.

ILLUSTRATED WITH
USEFUL AND EXPLANATORY NOTES,
AND A
COLLECTION OF ALL THE PROCEEDINGS
IN THE
HOUSE OF COMMONS,
AND
COURTS OF WESTMINSTER,
AGAINST
Mr. WILKES.

WITH ALL THE
TRACTS AND PAPERS
Relating to the
NORTH BRITON,
ESSAY ON WOMAN,
ELECTION FOR
MIDDLESEX, &c.
The Whole forming a more Complete Collection
than has hitherto been published.
IN FOUR VOLUMES.

VOLUME III.

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C O N T E N T S

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O F T H E

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A P P E N D I X.

[*The following are the papers relating to the Prosecution of John Wilkes, esq; as the author and publisher of the 45th number of the North Briton.*]

MAGNA CHARTA, Cap. 29.

NULLUS Liber Homo capiatur, vel imprisonetur, aut disseisiatur, de libero tenemento suo, vel LIBERTATIBUS, vel LIBERIS CONSUETUDINIBUS SUIS, aut utlagetur, aut exulet, aut aliquo modo destruatur. Nec super eum ibimus, nec super eum mittemus nisi per legale iudicium parium suorum, vel per legem Terræ *.

* No freeman may be apprehended or imprisoned, or disseised of his freehold, or LIBERTIES or FREE CUSTOMS, or be outlawed or banished, or any wise destroyed. Nor will we pass upon him, nor condemn him, but by the lawful judgment of his peers, or by the law of the land.

Copy of the General Warrant

AS the apprehension and commitment of John Wilkes, esq; member of parliament, to the Tower, must have raised the curiosity of many people, to know the circumstances attending it, the following detail of simple facts (upon which every reader will make his own comments) cannot be unseasonable, and is perhaps absolutely necessary to be laid before the public.

On Saturday the 30th of April 1763, early in the forenoon, three of his Majesty's messengers, by virtue of a warrant * from the secretary

* George Montague Dunk earl of Halifax viscount L. S. Sunbury and baron Halifax one of the lords of his Majesty's most honourable privy council lieutenant general of his Majesty's forces and principal secretary of state.

These are in his Majesty's name to authorize and require you (taking a constable to your assistance) to make strict and diligent search for the authors printers and publishers of a seditious and treasonable paper intituled the North Briton Number XLV. Saturday April 23 1763 printed for G. Kearsly in Ludgate Street London and them or any of them having found to apprehend and seize together with their papers and to bring in safe custody before me to be examined concerning the premises and further dealt with according to law. And in the due execution thereof all mayors sheriffs justices of the peace constables and all other his Majesty's officers civil and military and loving subjects whom it may concern are to be aiding and assisting to you as there shall be occasion and for so doing this shall be your warrant. Given at St. James's the twenty-sixth day of April in the third year of his Majesty's reign.

Directed to

Nathan Carrington John Money
James Watson and Robert Black-
more Four of his Majesty's mes-
sengers in ordinary

Signed,

DUNK HALIFAX.

N. B. The

tary of state, seized on the person of the said John Wilkes, esq; member of parliament.

On the intimation of Mr. Wilkes being in custody, a motion was made in the court of Common Pleas, then sitting in Westminster Hall, for a Habeas Corpus, which was granted; though by reason of the Prothonotary's office not being open, such Habeas Corpus could not be sued out till four o'clock in the afternoon.

Several gentlemen, friends and acquaintance of the said John Wilkes, esq; member of parliament, applied for admittance into his house, which was then peremptorily refused by a *pretended* order from the secretary of state; which order, though repeatedly requested, was not or could not be produced.

As no proper or *legal* authority appeared to countenance such refusal, the gentlemen thought themselves no ways obliged to obey the *verbal* commands of officers acting only under a *verbal* authority; and entered accordingly without further question or molestation from *those* officers.

Mr. Wood, the deputy secretary of state, being sent for, demanded the reason of such *forcible* entry: it was replied, *no* force had been used, and that the gentlemen thought themselves *legally* justified in what they had done.

N. B. The officers had a *verbal* order to put this warrant in execution, by entering forcibly into the house of John Wilkes, esq; member of parliament, at midnight; and those officers are now threatened with the loss of their places for not complying with such *verbal* instructions.

Soon after this (whether sent for or not does not appear) Philip Carteret Webb, esq; solicitor to the treasury, came into the room, and some *private* conversation between him and Mr. Wood having passed, the latter asked, if any gentleman then present would attend or inspect the officers while they were sealing up all papers in the house of Mr. Wilkes; or used words to that or the like effect.

Mr. Wilkes having declined accepting of the like offer, no person then present thought himself authorized to take upon him such inspection.

It is remarkable, to evade the *Habeas Corpus*, the custody of Mr. Wilkes was changed no less than *four times in half a day*, as if it was a determined point to insult, and make a mockery of the most important act of parliament, which ever passed for the liberty of the subject. On Saturday, April 30, 1763, about noon, we find him in the custody of Robert Blackmore and James Watson, under the *General Warrant*; he is soon carried by them to the secretary of state's, then he is in the custody of the earls of Egremont and Halifax, their under secretaries, law clerk, and solicitor to the Treasury; they transfer him over to George Collins and Thomas Ardran; and lastly, George Collins and Thomas Ardran deliver him to the deputy-lieutenant of the Tower, to be kept a *close* prisoner. The court of Common Pleas being sitting at the time of the messengers seizing Mr.

Wilkes

Wilkes at his own house by the *General Warrant*, application was directly made to that court for the *Habeas Corpus*, which was ordered to issue *immediately* *. Mr. Wilkes himself informed the secretaries of state of this; and the affidavits, the one of Richard Hopkins, esq;

* (C O P Y.)

In the Common Pleas.

The H A B E A S C O R P U S.

Jones. } GEORGE the third by the grace of God of Great-Britain, France, and Ireland, King, defender of the faith, and so forth. To Robert Blackmore and James Watson, greeting, We command ye, and each of ye, that ye have the body of John Wilkes, esq; by whatsoever name, or addition of name, he may be named or charged under your custody, taken and detained as it is said, together with the day and cause of the taking and detaining the said John Wilkes before the justices of our court of Common Bench at Westminster, in the great hall of Pleas, there *immediately* after the receipt of this our writ, to do and receive all those things which the same court shall then and there consider of in this particular. Witness, Sir Charles Pratt, Kt. at Westminster, the 30th day of April, in the third year of our reign.

April 30, 1763.

By Rule of Court.

Endorsed, H. GOULD.

Beardmore by Stannynought.

Mem. Delivered copy to Mrs. Watson, and the Original to Mrs. Blackmore, before eight o'clock.

A. B. [Arthur Beardmore.]

April 30, 1763.

A 3

member

* member for Dartmouth, a clerk of the board of Green Cloth, the other of John Walsh, esq;
 † member for Worcester, will prove that the law

* (C O P Y.)

In the Common Pleas. Mr. H O P K I N S's Affidavit.

RICHARD HOPKINS, of the parish of St. George, Hanover-Square, esquire, maketh oath, and saith, that soon after this honourable court had on Saturday last granted a rule on behalf of John Wilkes, esquire, who was then in custody, he went with John Walsh, esquire, to the house of the right honourable the earl of Halifax, in Great-George Street, Westminster, and requested the favour to speak with the said John Wilkes, where they were at first told they could not speak to the said John Wilkes; but afterwards this deponent, and the said John Walsh, were informed that they might speak with the said John Wilkes in the presence of Philip Carteret Webb, esquire, solicitor for the crown, and Lovell Stanhope, esquire; and thereupon John Walsh did (in the presence and hearing of Philip Carteret Webb, Lovell Stanhope, and of this deponent) inform the said John Wilkes, that this honourable court had granted him a writ of Habeas Corpus.

RICHARD HOPKINS.

Sworn May 2, 1763, in the New Treasury chamber at Westminster, before me,

H. GOULD.

† (C O P Y.)

In the Common Pleas. Mr. W A L S H's Affidavit.

JOHN WALSH, of the parish of Saint George, Hanover-Square, esquire, maketh oath and saith, that he was present on Saturday last, in this honourable court, at a time when the rule was moved for, and granted on behalf of John Wilkes, esquire, who was then in custody, for leave to issue out a Writ of Habeas Corpus, in order to bring the said John Wilkes into court, together with the cause of his detention. And saith that very soon after this honourable court had granted a rule for that purpose, he went to the house of the right honourable

Mr. Wilkes committed to the Tower. 7

law council to the secretaries of state, and the solicitor to the Treasury, knew this, while Mr. Wilkes was at lord Halifax's house. He was soon hurried away to the Tower *, and thus the first *Habeas Corpus*, directed to Blackmore and Watson, was wickedly evaded. It was scarcely possible for the friends of Mr. Wilkes to use more expedition in a law business. The writ

the earl of Halifax, in Great George-street, Westminster, and requested the favour to speak to the said John Wilkes, where he was at first told that he could not speak to the said John Wilkes; but was afterwards informed, he might speak to the said John Wilkes in the presence of Mr. Philip Carteret Webb, solicitor of the treasury, and Lovell Stanhope, esquire; and thereupon did (in the presence and bearing of Philip Carteret Webb and Lovell Stanhope) inform the said John Wilkes, that this honourable court had granted him a writ of *Habeas Corpus*.

JOHN WALSH.

Sworn May 2, 1763, in the New Treasury chamber at Westminster, before me,

H. GOULD.

* (C O P Y .)

Charles earl of Egremont, and George Dunk earl of Halifax, lords of his Majesty's most honourable privy council, and principal secretaries of state, &c.

THESE are, in his Majesty's name, to authorise and require you to deliver into the custody of the constable of the Tower of London, the body of John Wilkes, esq; for which this shall be your warrant. Given under our hands and seals this thirtieth day of April, 1763.

EGREMONT. (L. S.)

DUNK HALIFAX. (L. S.)

To George Collins and Thomas Ardran, two of his Majesty's messengers in ordinary.

A 4

C O-

writ was moved for at noon, and granted immediately; as soon as the office was opened in the afternoon, it was expedited, and served on each of the messengers the same evening: in vain, for ministers and lawyers were determined the subject should not avail himself of an act of parliament against an act of power. This

(C O P Y.)

Charles earl of Egremont and George Dunk earl of Halifax lords of his Majesty's most honourable privy council and principal secretaries of state.

These are, in his Majesty's name, to authorize and require you to receive into your custody the body of John Wilkes, esq; herewith sent you, for being the author and publisher of a most infamous and seditious libel, intituled the North Briton, Number 45, tending to inflame the minds and alienate the affections of the people from his Majesty, and to excite them to traiterous insurrections against the government, and to keep him close until he shall be delivered by due course of law, and for so doing this shall be your warrant. Given at St. James's, the 30th day of April, 1763, in the third year of his Majesty's reign.

Signed EGREMONT. (L. S.)
DUNK HALIFAX. (L. S.)

To the right hon. John lord Berkely of Stratton constable of his Majesty's Tower of London, or to the lieutenant of the said Tower, or his deputy.

(C O P Y.)

RECEIVED this 30th day of April, 1763, of Mr. George Collins and Mr. Thomas Ardran, two of his Majesty's messengers, the body of John Wilkes, esq; committed to the Tower by the right hon. the earls of Egremont and Halifax.

Tower.

CHARLES RAINSFORD,
Deputy lieutenant.

atrocious

atrocious proceeding remains still to be enquired into, still to be punished.

Since the time of Charles II. when the *Habeas Corpus Act* passed, I believe so deliberate, so fraudulent, and so barefaced an evasion of it, when all the delinquents were apprized beforehand of their guilt, was never attempted. The answer of the two messengers, Blackmore and Watson, to the most peremptory order of a court of justice to bring the prisoner immediately before them, together with the cause of his seizure, was only *that they had him not in their custody*, having purposely given him into that of another. No court of justice was ever before so trifled with by the low tools of power, when the liberty of an Englishman was at stake. The law commanded, but its authority was trampled upon by the officers of the crown. I have not heard of any punishment on either of the messengers, nor of the secretaries of state being so much as questioned on this head; but I am sure, if such a return to a *Habeas Corpus* is deemed sufficient or satisfactory, it is in the power of a minister to seize illegally any member of either house, and by dodging from place to place, and shifting the custody of the prisoner, not *four times in half a day*, but only four times a month, to imprison him for life even within an island, which in vain boasts of the firm bulwarks of its liberty, and the protection which the laws afford the lowest subject against the most powerful.

I shall

I shall only farther observe, that these two secretaries were the political legacy of the earl of Bute in 1763, on his nominal *abdication*.

His solicitor and one of his council, soon after they heard of such commitment, went to the Tower in order to consult with the said John Wilkes, about the *legal* methods to be pursued for his enlargement, but were denied admittance *.

Philip

* *The Affidavit of John Gardiner.*

London, 7 JOHN GARDINER, of the Inner Temple, esq; to wit, } barrister at law, maketh oath and saith, that about twelve or one o'clock in the forenoon, on Saturday the 30th of April 1763, he (being in Westminster-hall) heard that a motion was then making in his Majesty's court of Common Pleas, for an Habeas Corpus to bring up the body of John Wilkes, esq; who, as this deponent was then informed, was a prisoner in the custody of some of his Majesty's messengers in ordinary; that he immediately went into court to see the event of the motion. That as soon as the court had ordered the writ of Habeas Corpus to issue, he went to the house of Mr. Wilkes at the door of which he saw several gentlemen (friends of Mr. Wilkes) who informed him that they could not gain any admission into the house; and further told, that the King's messengers were in the house, and kept the door thereof: whereupon he went up to the door and knocked, which was soon opened, and kept a little way open, by some person or persons within. He then asked Mr. Wilkes's servant, who appeared through the opening of the door, whether his master was within? The servant answered, he was not; and added, Mr. Wilkes had been carried to, and then was at lord Halifax's. He asked the said servant to let him into Mr. Wilkes's house; to which the servant made answer, that it was not in his power, for that the messengers were in possession of the door. He then desired to see such messengers: upon which one of the said messengers (whose name was Blackmore) came in sight. He then asked the messenger, by what authority he kept Mr. Wilkes

Philip Carteret Webb, esq; solicitor to the treasury, then being present in the said major Rainsford's room, Mr. Wilkes's council and solicitor applied to the said Mr. Webb for admittance to the said Mr. Wilkes.

Philip

Wilkes's friends out of his house : the messenger made answer that he acted by virtue or under the authority of the secretary or secretaries of state. He desired such messenger to shew his authority, or produce the orders of the secretaries of state ; which such messenger refusing to produce, this deponent then turned his discourse to the servant of Mr. Wilkes, and asked him if his master had given any orders to keep his friends out of his house ? Such servant replied, his master had given no such orders ; whereupon he turned round to the aforesaid gentlemen, whom he found at Mr. Wilkes's door, and desired them to follow him, and with one push, or shove, opened the door, and got into the house, and went with all the said gentlemen into the front parlour ; (among the said gentlemen were, Mr. Townsend, Mr. Walfsh, Mr. Hopkins, Mr. Cotes, Mr. Phillips, and several others :) this deponent then talked with the said messengers, and told them, that he thought they had acted in a most illegal and unjustifiable manner, and that he apprehended they would be severely punished for such an outrage upon the laws of their country. Soon after, Wood, the deputy secretary of state, came into the parlour, and immediately interrogated the messengers (in a passionate tone of voice) who had sent for him ? Which question the messengers not immediately answering, Mr. Wood repeated the same once again or more. Some of the messengers then said, they had all sent for him, for that those gentlemen (meaning the friends of Mr. Wilkes) would force their way into the house. Mr. Wood then asked (in the same haughty tone of voice) who was the person that would force his way, or would come in ? or used words to that or the like purport or effect. This deponent made answer, and declared, that he was one of the persons that would come into the house ; but that he knew of no force by himself or the friends of Mr. Wilkes : and all, or most of the gentlemen, who were friends of Mr. Wilkes, joined in the said declaration. Soon after this, one Philip Carteret Webb made his appearance in the

Philip Carteret Webb, esq; desired Mr. Rainsford to allow such admittance, which he would indemnify; the major, with a spirit becoming a good officer, replied, he could not disobey orders.

Philip

the house, and entered into some private discourse with Mr. Wood: after which, the right honourable the earl Temple came into the parlour, when some discourse passed between the earl, Mr. Wood, and Mr. Webb; lord Temple was asked, if he chose to attend the officers or messengers, while they were sealing up all Mr. Wilkes's papers; which his lordship refused, Mr. Wood and Mr. Webb then made the same offer to this deponent, and to the other friends of Mr. Wilkes. Soon after, this deponent quitted the house of the said Mr. Wilkes, and went with † Mr. Beardmore (the solicitor of Mr. Wilkes) to the Tower of London, where Mr. Wilkes had just been committed a prisoner; and applied to major Rainsford, who then commanded in the Tower, and desired to be admitted to Mr. Wilkes, in order to consult with him, and fix upon a legal mode or plan for his enlargement. Major Rainsford then acquainted him, that he had received orders from the secretaries of state, not to admit any person whatever to speak with, or see Mr. Wilkes; and further informed him, that he (major Rainsford) had just before refused lord Temple the like admittance; Major Rainsford demanded his name, and informed him, that he had orders to take down the names of all persons who should apply for admittance to Mr. Wilkes. And this deponent farther saith, that between the hours of twelve and one, on Sunday 1st May 1763, called again upon major Rainsford, and again desired to be admitted to see and consult with Mr. Wilkes; but the major then again refused him, as he did soon after several noblemen and gentlemen, and Mr. Heaton Wilkes (the brother of the said John Wilkes) who all applied to major Rainsford for a like admittance to Mr. Wilkes. Mr. Webb (who appeared to be and was, a director and adviser in all the proceedings against

† See Arthur Beardmore's examination before the House of Commons, printed in the 136th No. of the North Briton.

Philip Carteret Webb, esq; re-answered, he believed there must have been a mistake in the orders, and that, if either of the secretaries of state were in town, he would apply to them, and obtain such admittance as aforesaid; and that he would either send or bring an order for such admittance in the afternoon.

Mr. Wilkes) then being present in major Rainsford's room, this deponent applied to Mr. Webb for admittance to Mr. Wilkes. Mr. Webb thereupon desired major Rainsford to permit deponent to see and converse with Mr. Wilkes. Major Rainsford answered, *his orders were to admit no person to Mr. Wilkes*, and that he could not comply with what the said Mr. Webb requested. Mr. Webb then replied, that it could not be the intention of the secretaries of state to keep Mr. Wilkes *so close* a prisoner, and again desired major Rainsford to admit this deponent to Mr. Wilkes; and added, that he (Mr. Webb) would indemnify him (major Rainsford); to which the major answered, that he could not comply with Mr. Webb's request, nor would he break or disobey orders. Mr. Webb said, that if either of the secretaries of state were in town, he would apply to them, and obtain an order to admit this deponent to Mr. Wilkes, and that he would either send or bring such order for such admittance in the afternoon. This deponent, confiding in the promise of Mr. Webb, went again to the Tower between eight and nine o'clock of the same day, and again applied to major Rainsford for admittance, but was again refused by the major, who said, he had not received any orders from the secretaries of state, nor had he heard any thing from Mr. Webb. And this deponent further saith, that on Monday the second of May, in the afternoon, he again applied to major Rainsford for admittance to Mr. Wilkes, but was again denied such admittance by major Rainsford.

J. GARDINER.

Sworn at the Mansion House, in the city of London, this 17th day of December, in the year 1768, before me,

SAM. TURNER, Mayor.

Upon

14 *Mr. Wilkes writes a Letter to his Daughter.*

Upon this assurance, the said Mr. Wilkes's council and solicitor, between eight and nine o'clock in the evening of the same day, again went to the Tower, and applied for admittance as aforesaid. The major having received no instructions from either the secretaries of state, or Philip Carteret Webb, esq; refused as before.

On Sunday Mr. Wilkes wrote a * letter to his daughter, and sent it to the *earl of Hallifax* to be forwarded to Paris.

* ' MY DEAREST POLLY,

' Tower, Sunday, May 1, 1763.

' I have now full leisure to pay my compliments to you, and entirely to relieve you from the anxiety your kind affection for me will necessarily give you at the hearing of my commitment to this place. Be assured that I have done nothing unworthy of a man of honour, who has the happiness of being your father. You shall never in life blush for me.

' I am only accused of writing the last North Briton, yet my sword has been taken from me, all my papers have been stolen by ruffians, and I have been forcibly brought here. I have not yet seen my accusers, nor have I heard who they are. My friends are refused admittance to me. Lord Temple and my brother could not be allowed to see me, yesterday. As an Englishman, I must lament that my liberty is thus wickedly taken away, yet I am not unhappy, for my honour is clear, my health good, and my spirit unshaken, I believe indeed invincible. The most pleasing thoughts I have are of you, the most agreeable news I can hear, will be the continuance of your health.

' I beg you not to write a word of public business, or of my public situation—Can you get me made *Membre du Parlement de Paris*, for that of *Westminster* is losing all its privileges?

* * * * *

' Continue to love me, and believe me, with the greatest warmth of affection,

' Your obliged father,

' JOHN WILKES

Mr. Wilkes's Friends refused Admittance to him. 15

On the morning of Monday, the second of May, the court of Common Pleas ordered a return to their writ of Habeas Corpus, which return not then appearing to the court to be sufficient, the court ordered, that the said return should not at present be filed; but upon motion granted another Habeas Corpus, directed to the constable, and so forth, of the Tower of London.

Mr. Wilkes's solicitor and council the same day, between the hours of two and three, again went to the Tower, and made application to major Rainsford for admittance to the said John Wilkes, esq; but were refused such admittance, major Rainsford declaring, that he received no orders from either of the secretaries of state to that purpose. There appeared upon the table of the said major Rainsford, a written order for him to take down the names of all persons applying for admittance to colonel Wilkes.

MAGNA EST VERITAS.

ORDERS issued by the lieutenant governor of the Tower, respecting the detention of John Wilkes, esq;

‘ That the warders appointed to keep him a close prisoner, shall not presume to leave him for a moment alone, either night or day, or to change their duty with other warders, but by particular leave or order from the constable,

16 *Mr. Wilkes brought before the Court of C. P.*

‘ stable, lieutenant, deputy lieutenant, or in
‘ their absence, the major of the Tower.

‘ They are to permit no person to have ad-
‘ mittance into the room he is confined in, or
‘ to speak to him, but by particular order
‘ brought them by the major, or gentleman
‘ gaoler.’

The major had likewise a written order, to
take down the names of all persons who ap-
plied for admittance to Mr. Wilkes.

On the morning of Tuesday May 3d, Mr.
Wilkes was brought to the bar of the court of
Common Pleas, Westminster, where he made
the following speech :

‘ I F E E L myself happy to be at last brought
‘ before a court, and before judges, whose
‘ characteristic is the love of liberty. I have
‘ many humble thanks to return for the imme-
‘ diate order you were pleased to issue, to give
‘ me an opportunity of laying my grievances
‘ before you. They are of a kind hitherto un-
‘ paralleled in this free country, and I trust
‘ the consequences will teach ministers of *Scot-*
‘ *tish* and *arbitrary* principles, that the liberty
‘ of an *English* subject is not to be sported away
‘ with impunity, in this cruel and *despotic*
‘ manner.

‘ I am accused of being the author of the
‘ North Briton, No. 45. I shall only remark
‘ upon that paper, that it takes all load of ac-
‘ cufation

‘ cufation from the facred name of a Prince,
 ‘ whose family I love and honour, as the glo-
 ‘ rious defenders of the caufe of liberty, and
 ‘ whose personal qualities are fo amiable, great,
 ‘ and respectable, that he is defervedly the idol
 ‘ of his people. It is the peculiar fafhion and
 ‘ crime of thefe times, and of thofe who hold
 ‘ high minifterial offices in government, to
 ‘ throw every odious charge from themfelves
 ‘ upon Majefty. The author of this paper,
 ‘ whoever he may be, has, upon conftitutional
 ‘ principles, done directly the reverse, and is
 ‘ therefore in me the fupposed author, meant
 ‘ to be perfecuted accordingly. The particu-
 ‘ lar cruelties of my treatment, worfe than if I
 ‘ had been a *Scottifh* rebel, this court will hear,
 ‘ and I dare fay, from your juftice, in due time
 ‘ redrefs.

‘ I may perhaps ftill have the means left me
 ‘ to fhew that I have been fuperior to every
 ‘ temptation of corruption. They may indeed
 ‘ have flattered themfelves, that when they
 ‘ found corruption could not prevail, perfecution
 ‘ might intimidate. I will fhew myfelf
 ‘ fuperior to both. My papers have been
 ‘ feized, perhaps with a hope the better to
 ‘ deprive me of that proof of their meanness
 ‘ and corrupt prodigality, which it may pof-
 ‘ fibly, in a proper place, be yet in my power
 ‘ to give.’

He then pleaded by his Counsel, Mr. Sergeant Glynn, for his discharge, alledging that his commitment was not valid. The debate lasted from eleven o'clock till a quarter past two; when after several learned arguments on both sides, he was remanded back to the Tower; and his friends had, for the first time, the opportunity of access to him. The court then adjourned to Friday the 6th of May, at which time he was ordered to be brought up again, that the affair might be finally determined.

His friends now had the liberty of visiting him; and perhaps no prisoner in the Tower of London ever before, was attended by such an illustrious train of visitors.

During this respite his Majesty was pleased to issue orders to lord Egremont, to remove him from his post of colonel of the militia of the county of Buckingham, which was signified to him in the following letter.

Copy of a letter from the earl of Egremont to the earl Temple.

‘ MY LORD,

‘ The King having judged it improper, that
 ‘ John Wilkes, esq; should any longer con-
 ‘ tinue to be colonel of the militia for the
 ‘ county of Buckingham, I am commanded to
 ‘ signify his Majesty’s pleasure to your lord-
 ‘ ship, that you do forthwith give the necessary
 ‘ order; for displacing Mr. Wilkes, as an offi-
 ‘ ce

‘cer in the militia for the said county of Buckingham.

‘ I am with respect, my lord,
‘ Your lordship’s most obedient
‘ humble servant,

‘ Whitehall,
‘ May 4, 1763. ‘ EGREMONT.
‘ To the earl Temple.’

Letter from the earl Temple to John Wilkes, esq;

‘ SIR,

‘ At my return last night from the Tower, I received the inclosed letter from the earl of Egremont: in consequence of his Majesty’s commands therein signified, you will please to observe, that you no longer continue colonel of the militia for the county of Buckingham.

‘ I cannot, at the same time, help expressing the concern I feel in the loss of an officer, by his deportment in command, endeared to the whole corps.

‘ I am, Sir,
‘ Your most obedient, and
‘ most humble servant,

‘ Pall-Mall, ‘ TEMPLE.
May 5, 1763.

‘ To John Wilkes, esq;’

*Copy of a letter from John Wilkes esq; to the
earl Temple.*

‘ MY LORD,

‘ I have this moment the honour of your
‘ lordship’s letter, signifying his Majesty’s com-
‘ mands that I should no longer continue co-
‘ lonel of the militia for the county of Buck-
‘ ingham. I have only to return your lordship
‘ my warmest thanks for the spirit and zeal you
‘ have shewn in the support of that consti-
‘ tutional measure from the very beginning.
‘ Your lordship will please to remember, that
‘ I was amongst the foremost who offered their
‘ services to their country at that crisis. Buck-
‘ ingham is sensible, and has always acknow-
‘ ledged, that no man but your lordship could
‘ have given success to that measure in our in-
‘ land county. I am proud of the testimony *
‘ your lordship is pleased to give me, and am
‘ happy, in these days of peace, to leave so ex-

* ‘ Mr. Wilkes succeeded Sir Francis Dashwood, now lord
‘ Le Despencer, as Colonel. When Sir Francis resigned, he
‘ wrote to the officers of the Buckinghamshire regiment, “ I
‘ the succession goes in the regiment, (as I hope it will, and
‘ think it ought) then I must add, my successor is a man of
‘ spirit, good sense, parts, and civil deportment, who has
‘ shewn resolution, and industry in putting this salutary mea-
‘ sure into execution.”

‘ cellent

Mr. Wilkes brought from the Tower. 21

‘cellent a corps in that perfect harmony,
‘which has from the beginning subsisted.

‘I have the honour to be,

‘with unfeigned respect,

‘My lord, your lordship’s

‘most obedient and

‘most humble servant,

‘Tower,

‘May 5, 1763.

‘JOHN WILKES.

‘*To the earl Temple.*’

‘ANGLIÆ JURA in omni casu LIBERTATI
dant Favorem.

‘*Impium et Crudelis judicandus est qui LIBER-
TATI non favet.*’

Coke Littleton.

On Friday the 6th of May, Mr. Wilkes was brought up from the Tower, to the court of Common Pleas, where (as soon as the court was seated) he made the following speech :

‘MY LORD,

‘Far be it from me to regret that I have passed so many more days in captivity, as it will have afforded you an opportunity of doing, upon mature reflection, and repeated examination, the more signal justice to my country. The liberty of all peers and gentlemen, and what touches me more sensibly, that of all the middling and inferior

‘ set of people, who stand most in need of pro-
 ‘ tection, is in my case this day to be finally
 ‘ decided upon : a question of such importance
 ‘ as to determine at once, whether English
 ‘ liberty be a reality or a shadow. Your own
 ‘ free-born hearts will feel with indignation
 ‘ and compassion, all that load of oppression
 ‘ under which I have so long laboured. Close
 ‘ imprisonment, the effect of premeditated ma-
 ‘ lice ; all access for more than two days de-
 ‘ nied to me ; my house ransacked and plun-
 ‘ dered ; my most private and secret concerns
 ‘ divulged ; every vile and malignant insinua-
 ‘ tion, even of high treason itself, no less in-
 ‘ dustriously than falsely circulated, by my
 ‘ cruel and implacable enemies, together with
 ‘ all the various insolence of office, form but
 ‘ a part of my unexampled ill treatment.
 ‘ Such inhuman principles of star-chamber
 ‘ tyranny, will, I trust, by this court, upon
 ‘ this solemn occasion, be finally extirpated,
 ‘ and henceforth every innocent man, how-
 ‘ ever poor and unsupported, may hope to sleep
 ‘ in peace and security in his own house, un-
 ‘ violated by King’s messengers, and the arbi-
 ‘ trary mandates of an overbearing secretary of
 ‘ state.

‘ I will no longer delay your justice. The
 ‘ nation is impatient to hear, nor can be safe
 ‘ or happy till that is obtained. If the same
 ‘ persecution is, after all, to carry me before
 ‘ another court, I hope I shall find that the
 ‘ genuine

‘genuine spirit of Magna Charta, that glorious inheritance, that distinguishing characteristic of Englishmen, is as religiously revered *there*, as I know it is *here*, by the great personages, before whom I have now the happiness to stand; and (as in the ever-memorable case of the *imprisoned bishops*) an independent jury of free-born Englishmen will persist to determine my fate, as in conscience bound, upon constitutional principles, by a verdict of *guilty* or *not guilty*. I ask no more at the hands of *my countrymen*.’

After which the court proceeded to give their opinion: and Mr. Wilkes was ordered to be *discharged*. He then addressed himself to the court in the words following:

‘MY LORDS,

‘Great as my joy must naturally be at the decision which *this court*, with a true spirit of liberty, has been pleased to make concerning the *unwarrantable seizure of my person*, and all the other consequential grievances, allow me to assure you that I feel it far less sensibly *on my own account*, than I do for *the public*. The sufferings of an *individual* are a trifling object, when compared with the *whole*, and I should blush to feel for *myself* in comparison with considerations of a nature so *transcendently superior*.

B 4

‘I will

‘ I will not trouble you with my poor thanks.
‘ Thanks are due to you from the whole *English*
‘ nation, and from *all* the subjects of the *Eng-*
‘ *lish* crown. They will be paid you, toge-
‘ ther with every testimony of zeal and affec-
‘ tion to *the learned Serjeant* *, who has so *ably*
‘ and so *constitutionally* pleaded my cause, and
‘ in mine (with pleasure I say it) *the cause of*
‘ *liberty*. Every testimony of my gratitude is
‘ justly due to *you*, and I take leave of *this court*
‘ with a veneration and respect, which no time
‘ can obliterate, nor can the most grateful heart
‘ sufficiently express.’

When Mr. Wilkes had ended, the audience burst into an *universal shout*, which was often repeated. Mr. Wilkes staid some time in a room adjoining to the court, in expectation that the crowd would disperse: at last, finding that it continually increased, he went out of the back door of the Common Pleas, and was received by a prodigious multitude of people who attended him, amidst continual acclamations, to his own house in Great George-street, Westminster. The evening concluded with bonfires, illuminations, and other rejoicings.

VIVANT REX ET JUDICES REGIS.

* Mr. Serjeant Glynn.

On Mr. Wilkes's return home from the court of Common Pleas, he sent the following letter to the secretaries of state.

‘ Great George-street, May 6, 1763.

‘ MY LORDS,

‘ On my return here from Westminster-hall, where I have been discharged from my commitment to the Tower, under your lordships warrant, I find that my house has been robbed, and am informed that the *stolen goods* * are in the possession of one or both of your lordships. I therefore insist that you do forthwith return them to

‘ Your humble servant,

‘ JOHN WILKES.

‘ *Directed to*

the earls of Egremont and Halifax, his Majesty's principal secretaries of state.’

Next morning Mr. Wilkes in person, attended only by Mr. Grignion of Russell-street, Covent-Garden, went to Sir John Fielding's, Bow-street, and demanded a warrant to search the houses of the earls of Egremont and Halifax, his Majesty's principal secretaries of

* A special jury of gentlemen were afterwards of opinion, that the secretaries of state were guilty of this *theft*.

state,

state, for the goods stolen out of his house, which he had received information were lodged at the said houses of the secretaries of state, or one of them. John Spinnage, esq; the fitting justice, refused to issue the said warrant.

The next day Mr. Wilkes received the following answer to his letter.

‘ Great George-street, May 7, 1763.

‘ SIR,

‘ In answer to your letter of yesterday, in which you take upon you to make use of the *indecent* and *scurrilous* expressions, of your having found *your house had been robbed*, and that *the stolen goods are in our possession*: we acquaint you that your papers were seized in consequence of the heavy charge brought against you, for being the author of an infamous and seditious libel, tending to inflame the minds, and alienate the affections of the people from his Majesty, and excite them to traiterous insurrections against the government; for which libel, notwithstanding your discharge from your commitment to the Tower, his Majesty has ordered you to be prosecuted by his attorney general.

‘ We are at a loss to guess what you mean by *stolen goods*: but such of your papers as do not lead to a proof of your guilt, shall be restored to you; such as are necessary for

‘ that

‘ that purpose, it was our duty to deliver over
‘ to those, whose office it is to collect the
‘ evidence, and manage the prosecution against
‘ you.

‘ We are your humble servants,

‘ EGREMONT.
‘ DUNK HALIFAX.’

*To this answer Mr. Wilkes sent the following
reply.*

‘ Great George-street, May 9, 1763.

‘ MY LORDS,

‘ Little did I expect, when I was requiring
‘ from your lordships what an Englishman has
‘ a right to, his property taken from him,
‘ and said to be in your lordships possession,
‘ that I should have received in answer, from
‘ persons in your high station, the expressions
‘ of *indecent* and *scurrilous* applied to my legal
‘ demands. The respect I bear to his Ma-
‘ jesty, whose servants it seems you still are,
‘ though you stand legally convicted of having
‘ in me violated, in the highest and most of-
‘ fensive manner, the liberties of all the com-
‘ mons of England, prevents my returning
‘ you an answer in the same Billingsgate lan-
‘ guage. If I considered you only in your
‘ private capacities, I should treat you both ac-
‘ cording to your deserts: but where is the
‘ wonder

' wonder that men, who have attacked the
 ' sacred liberty of the subject, and have issued
 ' an illegal warrant to seize his property, should
 ' proceed to such libellous expressions ? You
 ' say, " that such of my papers shall be restored
 " to me, as do not lead to a proof of my guilt."
 ' I owe this to your apprehension of an ac-
 ' tion, not to your love of justice ; and in
 ' that light, if I can believe your lordships as-
 ' surances, the whole will be returned to me.
 ' I fear neither your prosecution nor your
 ' persecution ; and I will assert the security
 ' of my own house, the liberty of my person,
 ' and every right of the people, not so much
 ' for my own sake, as for the sake of every one
 ' of my English fellow subjects.

' I am, my lords,

' your humble servant,

' JOHN WILKES.

' Directed to the earls of Egremont and Hali-
 ' fax, his Majesty's principal secretaries of
 ' state.'

After a long vacation, during which little
 material transpired, we are at length come to
 the 15th of November, the day the parliament
 assembled, that ever memorable day, so long
 and so ardently expected by the public, when
 the great cause was to receive its ultimate de-
 cision from that august assembly : when the
 ministerial

ministerial party were so eager to bring it on, that the unvaried rule of the house, and that decency and respect due to his Majesty, by an address in answer to the speech, was postponed on this occasion, and Mr. Wilkes, though already up in order to complain of the breach of privilege, was obliged to give way to George Grenville, then chancellor, who, in preference to Mr. Wilkes, by the partiality of Cust the speaker, got up and informed the house, "That he was commanded by the King to acquaint the house, that his Majesty having received information, that John Wilkes, esq; a member of this house, was the author of a most seditious and dangerous libel, published since the last session of parliament; he had caused the said John Wilkes, esq; to be apprehended and secured, in order to his being tried for the same by due course of law; and Mr. Wilkes having been discharged out of custody by the court of Common Pleas, upon account of his privilege as a member of this house; and having, when called upon by the legal process of the court of King's Bench, stood out and declined to appear and answer to an information, which has since been exhibited against him by his Majesty's attorney general for the same offence: in this situation his Majesty, being desirous to shew all possible attention to the House of Commons, in every instance wherein they can be sup-
posed

“ posed to be concerned, and, at the same
 “ time, thinking it of the utmost importance
 “ not to suffer the public justice of the king-
 “ dom to be eluded, has chosen to direct the
 “ said libel, and also copies of the examina-
 “ tions, upon which Mr. Wilkes was appre-
 “ hended and secured, to be laid before this
 “ house for their consideration.” And Mr.
 chancellor of the exchequer delivered the said
 papers in at the table.

In consequence of the above, the house,
 eager to give up their privileges, unanimously
 voted an address of thanks for so *gracious* a
 message, and immediately proceeded to the bu-
 siness therein recommended. The papers de-
 livered by the chancellor, intitled, “ The
 “ North Briton, No. 45, the examination of
 “ George Kearsley, and the examination of
 “ Richard Balse, were read ;” whereupon a mo-
 tion was made, “ that the paper intitled The
 “ North Briton, No. 45, is a scandalous and
 “ seditious libel, containing expressions of the
 “ most unexampled insolence and contumely
 “ towards his Majesty, the grossest aspersions
 “ upon both houses of parliament, and the
 “ most audacious defiance of the authority of
 “ the whole legislature ; and most manifestl
 “ tending to alienate the affections of the
 “ people from his Majesty, to withdraw them
 “ from their obedience to the laws of the
 “ realm, and to excite them to traiterous in-
 “ surrection

“surrections against his Majesty’s government.” Those who still retained the smallest regard for truth, justice, or their own concerns and safeties, proposed an amendment to the question, by omitting the words, “and to excite them to traiterous insurrections against his Majesty’s government;” but the question being put, that those words stand part of the question, it was carried by 273 against 111; the tellers for it being Mr. Morton and Sir John Phillips, against it, Mr. Thomas Townshend, Jun. and Sir William Baker: on which, as being resolved by the house to have that traiterous tendency, it was ordered to be burnt by the hands of the common hangman; and, it being near one o’clock, the further consideration of the message was adjourned till that day at twelve.

Mr. Wilkes having attended in the house the whole time of the above debates, with that honest indignation and exaltation of mind so peculiar to himself, and so superior to those mingling cowardly betrayers of the rights of the people, their own privileges and freedom, as at length permitted to prefer his complaint, which, as the public has not as yet been completely informed of, I have the satisfaction to give, verbatim, in the speech Mr. Wilkes then made, as follows:

‘ Mr. SPEAKER,

‘ I think it my duty to lay before the house
‘ a few

‘ a few facts, which have occurred since our
 ‘ last meeting ; because, in my humble opi-
 ‘ nion, (which I shall always submit to this
 ‘ house) the rights of all the Commons of
 ‘ England, and the privileges of parliament
 ‘ have, in my person, been highly violated.
 ‘ I shall at present content myself with barel-
 ‘ stating the fact, and leave the mode of pro-
 ‘ ceeding to the wisdom of the house.

‘ On the 30th of April, in the morning,
 ‘ I was made a prisoner in my own house, by
 ‘ some of the King’s messengers. I demanded
 ‘ by what authority they had forced their way
 ‘ into my room, and was shewn a warrant in
 ‘ which no person was named in particular
 ‘ but generally the authors, printers and pub-
 ‘ lishers of a seditious and treasonable paper en-
 ‘ titled, The North Briton, No. 45. The
 ‘ messengers insisted on my going before lord
 ‘ Halifax, which I absolutely refused, because
 ‘ the warrant was, I thought, illegal, and did
 ‘ not respect me. I applied by my friends, to
 ‘ the court of Common Pleas, for a Habeas
 ‘ Corpus, which was granted ; but as the pro-
 ‘ per office was not then open, it could not
 ‘ immediately issue. I was afterwards carried
 ‘ by violence, before the earls of Egremont and
 ‘ Halifax, whom I informed of the order
 ‘ given by the court of Common Pleas for the
 ‘ Habeas Corpus ; and I enlarged upon the
 ‘ subject to Mr. Webb, the solicitor of the
 ‘ treasury. I was, however, hurried away

the Tower by another warrant, which declared me the author and publisher of a most infamous and seditious libel, intituled, the North Briton, No. 45. The word *treasonable* was dropped, yet I was detained a close prisoner, and no person was suffered to come near me, for almost three days, although my council, and several of my friends, demanded admittance, in order to concert the means of recovering my liberty. My house was plundered, my bureaux broke open, by order of two of your members, Mr. Wood and Mr. Webb, and all my papers carried away. After six days imprisonment I was discharged, by the unanimous judgment of the court of Common Pleas, that the privilege of this house extended to my case. Notwithstanding this solemn decision of one of the King's superior courts of justice, a few days after I was served with a subpœna upon an information exhibited against me in the King's Bench. I lost no time in consulting the best books, as well as the greatest living authorities; and from the truest judgment I could form, I thought that the serving me with a subpœna was another violation of the privilege of parliament, which I will neither desert nor betray, and therefore I have not yet entered an appearance.

I now stand in the judgment of the house, submitting, with the utmost deference, the whole case to their justice and wisdom; and

Append. VOL. I.

C

' beg

‘ beg leave to add, that if, after this important
 ‘ business has in its full extent been maturely
 ‘ weighed, you shall be of opinion, that I am
 ‘ intitled to privilege, I shall then be not on-
 ‘ ly ready, but eagerly desirous, to wave that
 ‘ privilege, and to put myself upon a jury of
 ‘ my countrymen.’

Thus concluded a day so replete with disgrace to the legislature of Britain ; but as the most villainous transaction took its rise from the debates on that occasion, from its consequences and very extraordinary nature, I hope I shall be held excused for giving it here at large.

Samuel Martin, then secretary to the treasury, rendered for ever infamous above eight months before, as “ the most treacherous, “ base, selfish, mean, abject, low-lived and “ dirty fellow, that ever wriggled himself in “ to a secretaryship,” in the fortieth number of the *North Briton* ; in a speech during this day’s debates, said the author of the *North Briton* was a malignant and infamous scoundrel, who had stabbed him in the dark. Mr. Wilkes would not condescend to take the protection of the house, neither would his honour permit so worthy a character as the afore- said *Sam.* to continue in the dark ; but on the breaking up of the house, gave him a full light whereby he might find the author, in the following letter.

‘ Great

‘Great George-street, Westminster, Nov. 16.

‘SIR,

‘You complained yesterday, before five hundred gentlemen, that you had been *stabbed in the dark* by the North Briton, but I have reason to believe you was not so much in the dark as you affected and chose to be. Was the complaint made before so many gentlemen, on purpose that they might interpose? To cut off every pretence of ignorance as to the author, I whisper in your ear, that every passage in the North Briton, in which *you* have been named, or even alluded to, was written by

‘Your humble servant,

‘JOHN WILKES.’

Mr. Wilkes received the following answer.

‘Abingdon-street, Nov. 16, 1763.

‘SIR,

‘As I said in the House of Commons yesterday, that the writer of the North Briton, who had stabbed me in the dark, was a cowardly, as well as a malignant and infamous scoundrel; and your letter of this morning’s date, acknowledges that every passage of the North Briton, in which I have been named,

‘ or even alluded to, was written by yourself
 ‘ I must take the liberty to repeat, that you are
 ‘ a malignant and infamous scoundrel, and that
 ‘ I desire to give you an opportunity of shewing
 ‘ ing me whether the epithet of cowardly was
 ‘ rightly applied or not.

‘ I desire that you may meet me in Hyde
 ‘ Park immediately, with a brace of pistols
 ‘ each, to determine our difference.

‘ I shall go to the Ring in Hyde-Park, with
 ‘ my Pistols so concealed that nobody may see
 ‘ them: and I will wait in expectation of you
 ‘ one hour. As I shall call in my way at your
 ‘ house to deliver this letter, I propose to go
 ‘ from thence directly to the Ring in Hyde
 ‘ Park, from whence we may proceed, if
 ‘ be necessary, to any more private place; and
 ‘ I mention that I shall wait an hour in or
 ‘ der to give you full time to meet me.

‘ I am, Sir,

‘ Your humble servant,

‘ SAM. MARTIN

Mr. Wilkes, as he had *honoured* lord * Talbot with exchanging a *single* shot with him, condescended to honour Mr. Martin by complying with his appointment; the consequence Mr. Wilkes relates in the following manner.

* The reader will find a genuine account of this transaction under the article *Miscellanies*, in the Appendix.

When the gentlemen met in Hyde-Park, they walked together for a little while to avoid some company, which seemed coming up to them. They brought each a pair of pistols. When they were alone, the first fire was from Mr. Martin's pistols. Mr. Martin's pistol missed Mr. Wilkes, and the pistol in Mr. Wilkes's hand flashed in the pan. The gentlemen then each took one of Mr. Wilkes's pair of pistols. Mr. Wilkes missed, and the ball of Mr. Martin's pistol lodged in Mr. Wilkes's belly. Mr. Wilkes bled immediately very much. Mr. Martin then came up, and desired to give him all the assistance in his power. Mr. Wilkes replied, that Mr. Martin had behaved like a man of honour; that he was killed; and insisted on Mr. Martin's making his immediate escape, and no creature should know from Mr. Wilkes how the affair happened. Upon this they parted; but Mr. Martin came up again in two or three minutes to Mr. Wilkes, offering him a second time his assistance; but Mr. Wilkes again insisted on his going off. Mr. Martin expressed his concern for Mr. Wilkes, and said the thing was too well known by several people, who came up almost directly, and then went away. Mr. Wilkes was carried home, but would not tell any circumstance of the case, till he found it much known. He only said to the surgeon, &c. that it was an affair of honour.

38 *Mr. Wilkes returns Mr. Martin's Letter.*

The day following, Mr. Wilkes imagining himself in the greatest danger, returned Mr. Martin his letter, that no evidence might appear against him; and insisted upon it with his relations, that in case of his death no trouble should be given Mr. Martin, for he had behaved as a man of honour.

Mr. Martin not at the same time returning Mr. Wilkes's letter, occasioned somebody to remark, 'That in all probability it was kept in order to be made use of as a proof of Mr. Wilkes's being concerned in the North Briton.' I own, said the remarker, that I cannot account for this behaviour of Mr. Martin, no more than I can for his tamely bearing above eight months the abuse upon him. Has he been all this time (Sundays not excepted) practising at a target? That report is confirmed by all his neighbours in the country. Yet, after all, he did not venture to send to Mr. Wilkes, but before five hundred gentlemen, ready to interpose, seemed to intend to begin a quarrel, I suppose, that it might end there. Mr. Wilkes chose coolly to take it up the next morning, by a private letter to Mr. Martin, who insisted on pistols, without naming the sword, though the choice of weapons was, by the laws of honour, in Mr. Wilkes.

Mr. Wilkes's letter was returned to him by Mr. Graves, in the name of Mr. Martin, *near a month after*, on December 10, 1763.

North Briton, No. 45, ordered to be burnt. 39

We must now, for some time, leave Mr. Wilkes to the care of Dr. Brocklesby and Mr. Graves, to attend the business of the House of Commons, and the ludicrous catastrophe of the *North Briton, No. 45.*

Thursday the 24th of November, the house resumed the debate upon a motion made the day before, “ that privilege of parliament does “ not extend to the case of writing and publishing seditious libels, nor ought to be allowed to obstruct the ordinary course of the laws, in the speedy and effectual prosecution of so heinous and dangerous an offence;” and, the question being put, was carried by 258 against 133.

The house was then moved, that the resolution of the 15th of November, relating to the *North Briton, No. 45,* might be read; which being done, it was *resolved*, “ that the said paper be burnt by the hands of the common hangman *;” and the house *ordered*, “ that the said resolutions be communicated to the Lords at a conference, and their concurrence desired thereto;” *Ordered*, “ that a conference be desired with the lords upon a matter of the utmost *importance* to the dignity of the crown, the honour and safety of his

* It now stands on record, that the greater part of the King's most gracious speech in 1763, was ordered by the lords and commons, to be burnt by the common hangman.

“ Majesty’s *person* and government, and to the
 “ authority and *privilege* of parliament.”

In the course of this day’s debates, the house took notice of words spoken in the house by Mr. James Grenville and Mr. Rigby, from which a quarrel might ensue; so cautious, so circumspect is that honourable house, in not risking the lives of some particular *honourable* members; yet in the open attack of the *North Briton*, on the 15th of November, that caution, that circumspection was judged unnecessary with regard to Mr. Wilkes, though the odds were deemed so much in favour of the *Targeteer*.

Thursday the first of December, the order of the day being read, for taking into further consideration his Majesty’s message of the 15th of November, and notice being taken that “ in
 “ the examinations laid before the house relating to the *North Briton*, No. 45. John
 “ Wilkes, esq; a member of this house, is mentioned as having been concerned in the writing and publishing thereof; and the house
 “ being informed, that there is evidence ready to be produced at the bar, charging the
 “ said Mr. Wilkes with being the author and publisher of the said printed paper; and that
 “ the said Mr. Wilkes is, at present, unable, upon account of his health, to attend his duty
 “ in this house. *Ordered*, that the said Mr.
 “ Wilkes do attend this house in his place, to
 “ answer

“ answer the said charge, upon this day seven-
“ night, if his health will then permit.”

The same day, after many conferences, the
lord North reported, that the managers had met
the lords at the conference, which was to
acquaint this house, “ That the lords have
“ agreed to the resolution communicated by
“ the commons, and have directed the paper
“ to be transmitted to the sheriffs of London,
“ to be burnt accordingly.” Both houses agreed
the same day to an address to his Majesty on
the subject of the North Briton.

Saturday the third of December, when the
sentence was attempted to be executed on the
poor North Briton, before the Royal Exchange,
great concourse of its friends were assembled
“ in its support, and notwithstanding that vigo-
rous and active executioner of the order of the
house, Mr. Sheriff Harley, was present, it was
rescued from the flames with the scorching of a
corner only; and the vigour and activity of the
ministerial sheriff occasioned such disgust in the
populace, that the glasses of his chariot were
broke to admit the mud and dirt, with which
he was most liberally bespattered. But on the
Thursday following, we see him again trim
and gay, receiving his hire, and cutting com-
plements with the Speaker, in the House of
commons, on his *vigour* and *conduct*.
But before we attend him to the house on
that errand, we will take the reader for a mo-
ment

ment into Westminster-hall, where he will have the pleasure of hearing the decision of the chief justice * in the case of Mr. Wilkes against Mr. Wood, for the seizure of Mr. Wilkes's papers, with 1000 l. damages, in the following words :

“ Upon the maturest consideration I am bold
 “ to say, that *this warrant* is illegal ; but I am
 “ far from wishing a matter of this consequence
 “ should rest solely on my opinion, I am only
 “ one of twelve, whose opinions I am desir-
 “ ous should be taken in this matter, and I
 “ am very willing to allow myself the meanest
 “ of the twelve. There is also a higher court
 “ before which this matter may be canvassed
 “ and whose determination is final ; and here
 “ I cannot help observing the happiness of our
 “ constitution, in admitting these appeals, in
 “ consequence of which, material points are
 “ determined on the most mature consideration
 “ and with the greatest solemnity. To this
 “ admirable delay of the law (for in this case
 “ the law's delay may be stiled admirable)
 “ believe it is chiefly owing, that we possess
 “ the best digested, and most excellent body
 “ of laws, which any nation on the face of
 “ the globe, whether antient or modern, could
 “ ever boast of. If these higher jurisdictions
 “ should declare my opinion erroneous, I shall

* Sir Charles Pratt, now lord Camden.

“mit as will become me, and kifs the rod ;
“but I must say, I shall always consider it as
“a rod of iron for the chastisement of the
“people of Great Britain.”

Wednesday the seventh of December, a message was sent from the lords desiring a conference, which being agreed to, lord North reported, “That the lords had received information, from the sheriffs of London, of a riotous and tumultuous meeting of great numbers of people on Saturday last, who abused and insulted the said sheriffs, and endeavoured to obstruct them in carrying into execution an order of both houses of parliament, for burning the North Briton, No. 45.”

The house being informed that doctor Brocklesby and Mr. Graves attended, they were called in, and examined respecting the state of Mr. Wilkes’s health, and from their report the order for his attendance was postponed another seven days.

Thursday the eighth of December, the house rendered their thanks to the sheriffs for the proper spirit and vigour with which they had conducted themselves, in attempting to burn the North Briton.—Mr. Alderman Harley being at the house, the speaker gave him the thanks of the house in a very florid harangue, wherein he

he laments the not having more time, that he might have performed that duty in a manner more *suitable* to himself: upon which Mr. Alderman Harley said, It was with the utmost difficulty he rose to express a due sense of the honour, &c. he could not help thinking that the house had greatly *overvalued* his services, and lamented that it was not in his power to put the order in execution in a manner more *suitable*—That the only return he can make is to assure the house, that so long as he shall continue in office, he shall *firmly, vigorously,* and *actively* see the laws carried into execution *.

We now quit the solemn phlegm of the journals, to amuse the reader with the circumstances relative to that extraordinary *Scot*, Mr. Alexander Dun. The following is a true state of the affair.

December 10, 1763. On Tuesday night last soon after the verdict was given for Mr. Wilkes a man knocked at his door, desiring to speak with him on particular business; it appearing by his dialect, he was a Scotchman, and being an entire stranger, he was refused admittance; on which he went away to a coffee-house near Parliament-street, where he was overheard by a person then present, to declare

* This is very true; Mr. Harley fulfilled his promise in the poor ballad-singers, &c. &c. &c.

that himself, and ten more men, were determined to cut Mr. Wilkes off, let the event be what it would. The gentleman gave information of the above declaration next morning, by letter, to Mr. Wilkes, desiring him to be on his guard; the affair then rested till Thursday morning, when the same person, as is supposed, brought a letter to Mr. Wilkes's house, signed Alexander Dun, the purport of which was, to beg an interview with him on an affair of the most interesting nature; when he was desired to call again at one o'clock, which he did accordingly; and seven o'clock was then the hour appointed. In the interim, Mr. Wilkes had got several of his friends, gentlemen of distinction, about him. At the above hour the man came, and was ushered into the parlour, where he waited a short time, and was informed that Mr. Wilkes was then alone, and he should be introduced to his presence; but on going out at the parlour door, two gentlemen, who had placed themselves behind it, seized him by each arm, and flung him on his back. On searching him, a new pen-knife was found in his pocket, which he pretended he had purchased about nine months ago: on being further questioned, he said, six months; and that he owned he bought it at Chatham, about a fortnight since. Previous to the time appointed for Mr. Wilkes for his interview, proper affidavits, containing an accurate detail of the whole transaction, were prepared, and a warrant procured

cured from the honourable Mr. Justice Wilkes, not for apprehending him, which was immediately executed; and we are informed that authenticated evidence of the whole proceedings was yesterday laid before a very august assembly, who have ordered the tipstaff to bring the said Mr. Dun to be examined before that honourable house this day.

Mr. Wilkes, on the first intimation of Dun's design, treated the affair with levity, and intended taking no notice of it; but the worthy * son of a most worthy commoner, who some time since retired from public business, happening to be present, he, with some other of Mr. Wilkes's friends, insisted that an enquiry should be made into it, when matters turned out as above related; upon which Mr. Wilkes made the following affidavit.

In the King's } JOHN WILKES, of Aylebury,
Bench. } bury in the county of Bucks
esq; Matthew Brown, servant to the said Mr. Wilkes, and Mathias Darly, of the parish of St. Anne, Soho, in the liberty of Westminster, engraver, severally maketh oath; and first, the said John Wilkes for himself saith that he this deponent, verily believes that he is in danger of his life, from the wicked, malicious, revengeful, and unprovoked menaces

* George Onslow, esq; member for Surry.

One Alexander Dun, who (this deponent is informed) is a Scotch officer; and between eleven and twelve of the clock, last Tuesday evening, demanded entrance into this deponent's house in Great George-street, Westminster, and threatened violence to his person; and this deponent further saith, that about nine of the clock this morning he received the letter hereunto annexed, (marked A) which this deponent is informed, and verily believes, is of the hand-writing of the said Alexander Dun: and this deponent, Matthew Brown, for himself saith, that he saw a person at the time first above-mentioned make several very rude and violent endeavours to come into the house of the said Mr. Wilkes; and upon his being refused by this deponent, threatened revenge to Mr. Wilkes, and also to this deponent; and by the best description and information which this deponent has been able to collect, he believes the said person's name is Alexander Dun: and this deponent, Mathias Darly, for himself saith, that he this deponent did yesterday write to Mr. Wilkes the letter hereunto annexed (B) the contents of which are true, and that the Scotch officer therein alluded to is the said Alexander Dun: and this deponent further saith, that he is not moved by any malice or resentment against the said Alexander Dun, but thought it his duty, as a member of society, to make the above imputations to Mr. Wilkes, in order that he might concert the necessary measures for his personal

personal safety. And therefore the said John Wilkes craves sureties of the peace against the said Alexander Dun, not out of hatred or malice, but merely for the preservation of his life and person from danger.

JOHN WILKES,
MATTHEW BROWN
MATHIAS DARLY.

The deponent John Wilkes sworn at his house in Great George-street, Westminster, he being indisposed, the 8th day of December 1763, before me,

W. MAPELSDEN, by Commission

Matthew Brown and Mathias Darly, sworn in Great Ormond-street, the 8th day of December, 1763, before

E. WILMOT

London, Dec. 8, 1763

‘ SIR,

‘ As I have something of consequence
‘ communicate to you, I should be glad
‘ know what time would be most convenient
‘ for me to call upon you this day; I called
‘ once before and was refused admittance.
‘ so good as send me an answer by my servant
‘ who will wait for it. Lieutenant Crockett
‘ of dragoons, who is now in Scotland, dis-
‘ fires his compliments to you for the manner
‘ civil

civilities shewn him when he was quartered near your country seat; you may be assured that many of the Scotch have still a regard for you, and none of them more so than,

‘ Your most humble

‘ and obedient servant,

‘ ALEX. DUN.

Direct to me at Mr. Whyte's, peruke-maker,
‘ lieutenant of marines.

‘ To John Wilkes, esq;

(A)

‘ London, Dec. 7, 1763.

‘ SIR,

‘ I should not do my duty if I did not acquaint you that the young Scotch officer, that wanted entrance at your house, is a villain, and his intentions are of the blackest-dye. I had been in his company for near four hours. That part of our conversation that relates to you, consisted chiefly of his intentions of massacring you the first opportunity, and that there was thirteen more gentlemen of Scotland of the same resolution, and confederates of his, who was resolved to do it, or die in the attempt. Last night, when your trial was over, the gentlemen at the coffee-house quitted the room that I was in (on account of the shouts in the hall) and left the Scotch hero and I together, but I abruptly

Append. VOL. I. D ‘ left

' left the room, and went after the people to
 ' Great George-street, and on hearing a noise
 ' at your door, I went up, and, to my great
 ' surprise, saw the Scotchman a trying for
 ' entrance; I knocked, and had admittance,
 ' which enraged the hero so much, that he
 ' swore revenge against the servant, and was
 ' very troublesome; when I went out, I heard
 ' a gentleman taking him to task, upon his
 ' vowing revenge on you or your servant; upon
 ' which I told the gentleman a small part of
 ' what I knew, and he put him in the hands
 ' of two watchmen, and ordered him to the
 ' round-house; but at the corner of Great
 ' George-street, I am told, he was rescued, and
 ' ran away. There was conversation passed
 ' between him and the company that is not
 ' safe to communicate by letter: his principles
 ' and zeal make it unsafe for such an abandon-
 ' ed wretch to be at large. Your own discre-
 ' tion, I hope, will guide you to prevent any
 ' thing that may be intended.

' I am, with all respect,

' Sir, your's,

M. DARLY

' Cranborn-alley, Leicester-fields.

' To Mr. Wilkes, Great George-street.'

(B)

E. WILMOT. } L. S.
ENGLAND, } WHEREAS I have received in-
to wit, } formation, on the oath of John
Wilkes, esq; Matthew Brown, and Mathias
Darly, that one Alexander Dun, between
eleven and twelve o'clock, on Tuesday even-
ing last, demanded entrance into the house of
John Wilkes, and threatened violence to his
person; and hath since, in the hearing of
Mathias Darly, declared his intention to mas-
sacre the said John Wilkes the first opportu-
nity; and therefore the said John Wilkes craves
sureties of the peace against the said Alexander
Dun, not out of hatred or malice, but merely
for the preservation of his life and person from
danger.

These are therefore to will and require, and
in his Majesty's name, strictly to charge and
command you, and every of you, upon sight
hereof, to apprehend and take the said Alexan-
der Dun, and bring him before me, or one
other of the justices of his Majesty's court of
King's Bench, if taken in or near the cities of
London or Westminster, otherwise before some
justice of the peace living near the place where
he shall be herewith taken: to the end he may
become bound with sufficient sureties for his
personal appearance, in his Majesty's court of
King's Bench, on the first day of Hillary term,
to answer the premises, and, in the mean time,
to keep the peace, and be of good behaviour
towards all his Majesty's subjects, especially

towards the said John Wilkes; and hereof fail not at your peril.

Given under my hand and seal this eighth day of December, 1763.

To Richard Elston my Tipstaff, and to all chief and petty constables, headboroughs, tythingmen, and all others whom these may concern.

Mr. Wilkes having appointed seven in the evening, on Thursday last, for an interview with the said Alexander Dun, he came punctually at the time, when he was apprehended in consequence of the above warrant.

[The following is taken from a paper that was circulated by Mr. Dun, with some remarks thereon.

As there is to be published by subscription by lieutenant Alexander Dun of marines, a book entitled, *The History of a Reduced Officer, with advice to half-pay officers, and to officers entering the army; a point explained concerning the sea and marine officers: interspersed with various observations on the fair sex.*

*Quo semel est imbuta recens survabit,
Odorem Testa diu.*

To which is added, some advices to, and observations

servations on, Mr. Wilkes's behaviour to the Scotch nation.

+++ The author may be heard of at the Parliament-tavern, near Westminster-hall, or at St. Clement's coffee-house in the Strand, if any gentleman chuse to subscribe.—

Mr. Dun has had so much encouragement already from the nobility and quality, both in Britain, and in foreign countries, in this publication, that he would not have made it public, had it not been for an accident which happened lately, now to be explained.

As Mr. Wilkes is mentioned in his treatise, we thought it incumbent upon him to wait upon Mr. Wilkes, to see whether or not the dissensions betwixt the English and Scotch nations *What are these dissensions? Nobody ever heard of them*] reported to be occasioned by him were from real or imaginary causes. He had an offer of being introduced to Mr. Wilkes by several different gentlemen, [WHO?] and on Tuesday night [near twelve o'clock] went for that purpose, but was refused admittance: was disappointed next day by breach of appointment [What appointment?] and on Thursday morning wrote Mr. Wilkes the following letter, which was sent by his servant.

‘ To JOHN WILKES, *esq*;

‘ London, December 8, 1763

‘ SIR,

‘ As I have something of consequence to
‘ communicate to you, I should be glad to
‘ know what time would be most convenient
‘ for me to call upon you this day: I called
‘ once before, and was refused admittance.
‘ Be so good as send me an answer by my
‘ servant, who will wait for it.

‘ Lieutenant Crockat of dragoons, who is
‘ now in Scotland, desires his compliments to
‘ you, for the many civilities shewn him when
‘ he was quartered near your country-seat.
‘ You may be assured that many of the Scots
‘ have still a regard for you; and none of them
‘ more so than your most humble and obedient
‘ servant,

‘ ALEX. DUN

This letter he sent at nine o'clock in the
morning; a little after one o'clock, he received
by his servant, the following card.

‘ Thursday

‘ MR. DUN,

‘ Mr. Wilkes's compliments to Mr. Dun
‘ and desires to see him at seven o'clock:
‘ obliged to him for the account of Mr. Cro-
‘ kat.

In consequence of this desire, Mr. Dun went to Mr. Wilkes's lodgings [*Who does Mr. Wilkes lodge with? This is the true Edinburgh stile: has Mr. Wilkes a house or only a flat: two or three rooms they call a flat at Edinburgh*] in George-street at the time appointed—When he came there he knocked gently at the door, and was admitted by a servant, who called himself Mr. Wilkes's Butler; he asked Mr. Dun to walk into a parlour until Mr. Wilkes should come down; wanted to know if he had any covers [*as he had desired by his boy*] to be signed; and that he would carry them up to Mr. Wilkes: Mr. Dun then gave him a dozen, which he took away in order to carry up to Mr. Wilkes, who, he said, was in the room above.—

In a few minutes after, the butler came back, and in a mild manner desired Mr. Dun to walk above to his master, who was waiting for him: he immediately followed, and was scarcely out of the parlour door, when five or six men stretched fast hold of him, and brought him down; some of them were gentlemen, whose names Mr. Dun does not chuse to mention, who used him very well afterwards: that violence was offered is evident, because one of the gentlemen dislocated the joints of two of his fingers: they then searched Mr. Dun, but found no deadly weapon about him; indeed he had a penknife in his waistcoat pocket, [*loose in his left and coat pocket*] which they kept, and said he had brought it with intention to kill Mr. Wilkes.

That he may do impartial justice to all, he here declares, that in a little time they returned his pocket-book, papers, &c. and upon his observing that he was almost strangled, they brought several different kinds of wine to chuse of, drank his health, and said they believed they were all in the wrong; [*not true*] but that he must go to some genteel house, and be confined a little, until he should clear up this matter, as Mr. Wilkes had a warrant against him on suspicion of his intending to massacre him [*according to his own declaration.*] They then asked him, if he did not think it proper for them to have acted this part? He said not, as he thought it was taking hold of him under shew of friendship, as the card expressed. He asked, if his letter did not deserve civil treatment? To which Mr. Coates, justice of peace [*in Surry*] was pleased to reply, that Mr. Wilkes had acted by his advice; that they found out he was a man of education from his letter, and therefore judged him the more dangerous. Mr. Coates told him, that Mr. Wilkes desired he would write to him and clear up the matter more fully, and he would send him an answer [*not true*]. They then brought Mr. Dun, pen, ink, paper, and wax, and he wrote, directed to Mr. Wilkes in his lodgings: as Mr. Wilkes sent him a verbal answer, he will not insert a copy of this letter; he will only observe, that he procured him a dozen of franks from Mr. Fitzherbert; thanked him for what he wrote; and

id, that he would have done them himself, but was not well. This message was sent him by a gentleman who carried up Mr. Dun's letter. Mr. Fitzherbert he must thank for likewise subscribing to his performance in Mr. Wilkes's house, by only hearing a few pages read.

He does here declare, he has no animosity against Mr. Wilkes, nor any man in Britain; some have shewn it in London, and that very lately, against him, for no other cause but his mentioning Mr. Wilkes in this performance: he has been often insulted and beaten [BEAT!] and bruised; but as justice always will get the better, and innocence will be protected, has always come off to his own satisfaction; and is not this moment afraid, although under lock and key in Stanhope-street.

He now, as an officer who has suffered in his Majesty's service, claims protection: is but young, cannot therefore command temper every moment to put up with hearing his countrymen Scotland abused: but he wishes sincerely the whole would be unanimous, and then the English, Irish, and Scotch, would be a terror to all their enemies: if they disagree among themselves, the consequences will be dreadful. Do they?] As the aforesaid publication will soon appear, he shall say no more at present on this subject, but acquaint the public, that it is Mr. Fitzherbert's first performance, wrote at the desire of many

many gentlemen of known merit, and offered to the King's perusal.

Upon the 10th of December instant, Mr. Dun was tried [*not even examined*] at Mr. Wilkes's instance, for a breach of privilege, &c. and acquitted: he must here own his obligations to several members who spoke in his behalf; although none of them will say, he asked them to appear in his defence——He is sorry that he had reason to say, some gentlemen were over inquisitive; who insisted that his servant should inform, and even threatened him, to tell them, what messages he sent him from the House of Commons.

The night this trial was ended, some of Mr. Wilkes's friends [*who were they?*] came to see Mr. Dun (as they themselves owned) from a principle of curiosity; they wanted, they said to know what was the reason for his animosity against Mr. Wilkes, and to see and take a copy of his card to Mr. Dun. In the first place, he informed them, that he had no ill will at Mr. Wilkes, and let them copy the card, as they desired: he further said, that he intended to be his friend, and they saw his recompence. They then told Mr. Dun, that the world considered this as a rash and frantick action, at least, that Mr. Wilkes's friends did; but that now they were satisfied it was not. They shewed Mr. Dun several penknives and wanted to know the size of the one he had

in his waistcoat pocket on the 8th instant. He told them it was the size of the least of those they produced ; but that he should not suspect them of assassination for bringing them into his apartments : at this they smiled. As the news-papers say [*his own account*] that Mr. Dun, said he purchased the penknife first nine months ago, then a shorter space, and at last, confessed he bought it at Chatham a fortnight before that time, he must explain this matter. As he owned three penknives purchased much about the times mentioned, but the one for common use, which was then in his pocket, he bought in the first of December last, from the shop of Nicholas Foster, near the corner of Grocer's-ale. He observed that there were several brave and sensible men (officers) in a worse condition than ever he (Mr. Dun) was, proceeding from the same malady ; that some cut their throats ; that others shot themselves through the body ; and that many were prevented from putting an end to their own lives, proceeding, as one would imagine, from the nature of the disease ; but he must observe, that sometimes people receive favours from those they least expect them, and are deceived by others they consider the most in ; this has been Mr. Dun's case in this affair : a man professed the greatest friendship for him, subscribed to his book, said he was half a Scotchman, and was in company with him on Tuesday night the 8th instant, at the parliament-tavern, was, as he is informed, the

the principal occasion of this prosecution. Go
keep Mr. Dun from the company of half friends
for the future ; but let him add,

*Integer vitæ, scelerisque purus non egit manu
Jaculis nec arcu, nec venenatis gravida sagittis
Fusce Pharetra.*

We shall take the liberty of adding to Mr
Dun's case, that it is the observation of Ma
chiavel, that in all cases, not only of assassina
tion, but of deep danger, no man should be
employed, who is always, and entirely in his
senses. Friday the 16th of December, after
doctor Brocklesby and Mr. Graves had been
examined by the house concerning Mr. Wilkes's
health, a motion was made and carried, " That
" doctor Hebbarden, the physician, and Mr
" Cæsar Hawkins, one of his Majesty's serjeants
" surgeons, be desired to attend John Wilkes
" esq; from time to time, at proper intervals
" to observe the progress of his cure ; and that
" they, together with doctor Brocklesby and
" Mr. Graves, do attend this house, to report
" their opinion thereupon, on the 19th day of
" January next, in case the said John Wilkes
" esq; be not then able to attend in his
" place."

Sunday morning Mr. Wilkes received the
following letter from doctor Brocklesby.

A letter

State Doctors ordered to attend Mr. Wilkes. 61

A letter from Dr. Brocklesby to Mr. Wilkes.

‘ DEAR SIR,

‘ Late last night I received the inclosed letter from my most ingenious and worthy friend Dr. Hebberden, and also the inclosed copy of an order of the House of Commons, to report upon your case on the 19th of January; I am therefore to entreat you, to fix the hour for our attendance at your house on Monday, and I will take care to appoint Dr. Hebberden and Mr. Hawkins.

‘ I am, dear Sir,

‘ Your most obedient

‘ humble servant,

‘ RICHARD BROCKLESBY.

Norfolk-street, Sunday morning, Dec. 18,
1763.’

Letter from doctor Hebberden to doctor Brocklesby, which was the inclosed letter above-mentioned.

‘ Cecil-street, Dec. 17.

‘ DEAR SIR,

An order of the House of Commons is come to Mr. Hawkins and me, to attend Mr. Wilkes from time to time, in order to observe the progress of the cure, and to make a report to the house, together with you and Mr. Graves. You will oblige us by acquainting Mr. Wilkes
‘ with

‘ with this ; and if you will let us know at what
 ‘ time you intend to see Mr. Wilkes on Monday
 ‘ day, we will be ready to meet you there. Mr.
 ‘ Hawkins desires that the appointment may be
 ‘ for some hour after twelve.

‘ I am, Sir,

‘ Your most humble servant

‘ W. HEBBERDEN

A card from Mr. Wilkes to doctor Hebbarden

‘ Mr. Wilkes presents his compliments
 ‘ doctor Hebbarden, and is duly sensible
 ‘ the kind care and concern of the House
 ‘ Commons, not only for his health, but
 ‘ his speedy recovery. He is attended by do
 ‘ tor Brocklesby, of whose integrity and ab
 ‘ lity he has had the experience of many years
 ‘ and on whose skill he has the most perfect
 ‘ liance. Mr. Wilkes cannot but still be
 ‘ opinion, that there is a peculiar propriety
 ‘ the choice he at first made of doctor Bro
 ‘ lesby, for the cure of what is called a
 ‘ shot wound, from the circumstances of the do
 ‘ tor’s having been many years physician to
 ‘ army ; but at the same time entertains a
 ‘ esteem for doctor Hebbarden’s great me
 ‘ and though he cannot say that he wishes
 ‘ see the doctor at present, he hopes that
 ‘ shall be well enough to beg that honour
 ‘ eat a bit of mutton in

‘ Great George-st

‘ Monday, Dec. 19.’

A card from Mr. Wilkes to Mr. Hawkins.

‘ Mr. Wilkes presents his compliments to Mr. Hawkins. He some time ago, from motives of humanity, readily consented, at the request of Mr. Martin, to receive the visits of doctor Heberden and Mr. Hawkins. He is now acquainted that the honour Mr. Hawkins intends him, of a visit, to-day, is not at the desire of Mr. Martin; and therefore he begs that it may be deferred till he is more capable of enjoying company. He has every reason to continue perfectly satisfied with the conduct of Mr. Graves, a military surgeon of eminence, who extracted the ball; he hopes, in a few weeks to be so well recovered, as to be able to receive Mr. Hawkins in Great George-street: and shall be impatient for an opportunity of shewing the just regard he will ever pay to so distinguished a character.

Monday, Dec. 19.’

Letter from Mr. Wilkes to doctor Brocklesby.

Great George-street, Monday, Dec. 19, 1763.

‘ DEAR SIR,

I have the favour of your letter, and of the papers inclosed. I think you are rather deficient in politeness, that you do not congratulate your friend on the *new* and *singular* honour done him by the *House of Commons*,

‘ in

' in appointing a PHYSICIAN and SURGEON to
 ' attend me. I ought to take this the more
 ' kindly at their hands, because to pay me this
 ' compliment, they have, I believe, exceeded
 ' their legal powers. The *lords*, rather unwil-
 ' lingly, set them such an example, by order-
 ' ing the *physician* and *surgeon* of a member of
 ' the other house to their bar, to be examined
 ' concerning his state of health. I had before
 ' received other unmerited obligations from
 ' their LORDSHIPS, and the old friendship of
 ' *lord Sandwich*, though I own I was rather puz-
 ' zled to the blush by THEIR PUBLISHING to the
 ' world what they pretended was found, per-
 ' haps put, among the things stolen from me.
 ' If a man makes a private *essay on woman*, should
 ' all the world see it? Is a treatise against the
 ' spleen, or the *tedium vitæ*, so dangerous
 ' now to become a state-crime for the cogni-
 ' zance of our present cruel rulers, or rather
 ' inquisitors? Has the nasty, gummy, blub-
 ' bering, overgrown boy of a lord, barbarous
 ' and blustering as the NORTH *, has he like-
 ' wise received his orders to denounce to the
 ' Commons a laughable poem as a horrid crime
 ' to make all good Christians shudder? And
 ' the most wretched and impious lines to be
 ' forged, that a work, which idolizes the
 ' whole sex, may be brought into judgment

* Lord North, eldest son of the earl of Guildford.

before the *crafty* Scot *, who never loved any woman.

‘ This last act of the *majority* seems almost to perfect the scene, and really quite overwhelm me with gratitude. Yet though I am a young member, I cannot but observe and lament, that the antient established forms of parliament have in the present case been laid aside, as if order had taken leave of the *House* with good old ONSLOW. The course of business has always been, that affairs of importance should previously go to a *committee*, to have a full and fair discussion, and afterwards the house receives and duly weighs the report of the *committee*. The affair you have mentioned is of so much real consequence, that it should, in my poor opinion, have been referred to the *two* usual *committees*. *First*, it should have gone to the *committee of ways and means*, to contrive how the *state physician and surgeon* can get into my house. *Secondly*, to the *committee of supply*, to vote the fees due to the gentlemen for their attendance; but I have public *æconomy* so much at heart, though I make no parade of it, that I will save the nation this expence, for I will not suffer either of them to enter my doors. The *majority* of the *Commons*, like true country people, seem to have a troublesome overflowing of kindness for me,

* Lord Mansfield.

' which you know is very apt to surfeit. Yet
 ' like the others sometimes, in the same man-
 ' ner they fail in a point of necessary good
 ' breeding, even to one of their own mem-
 ' bers. The house desires doctor Hebbert
 ' and Mr. Hawkins to come to me, but for-
 ' get to desire me to receive them, and I most cer-
 ' tainly will not.

' Surely, my dear Sir, this matter has been
 ' too lightly determined upon by the *honourable*
 ' house. It is pretty well known that I have
 ' already a *physician* and *surgeon*, whose charac-
 ' ters the foul breath of slander never reaches
 ' and whom I confide in and love. What
 ' should I admit any others? Am I to consent
 ' to an unjust slur upon gentlemen with whom
 ' I have all the reason in the world to be satis-
 ' fied? Shall I concur in suffering party man-
 ' ners to fix a vile suspicion, where I know
 ' it ought not to rest? I will never counten-
 ' nance so shameful a proceeding. Honour
 ' justice, gratitude, private friendship, equally
 ' forbid it.

' The *majority* of my brother members seem
 ' quite wild in their love. They would form
 ' a *physician* and *surgeon* upon me, when I have
 ' one of each already, and they forget that my
 ' dear friend and chaplain, Churchill, has been
 ' me for some time. Would it not therefore
 ' have looked better, if these obliging friends
 ' had shewn some regard to my spiritual con-
 ' cerns, and had ordered their own chaplain

the very *learned* brother of the very * *con-*
scientious merchant, and of the very *acute*
 speaker, to attend me; or they might per-
 haps have prevailed on good Mr. Kidgell.
 He is so ready to every laudable, and lucra-
 tive work, he would not, I believe, have
 hesitated. You might in time have had
Observations on my conversion and apostleship,
 though I hope not in a way to make you
 doubt of the whole; at least you would have
 been sure of a SERIES OF LETTERS in the
 LEDGER, the profits to be divided between
 the said Kidgell and his partner Mac-Faden,
 according to Kidgell's former plan. I think
 the *lords* too, ought to have considered this
 important point of *chaplainship*, and lord Sand-
 wich, or lord *Le Despencer*, or some other
pious lord, should have moved to send me a
Divine Legation of the Bishop of Gloucester. I
 have been said to have doubts. I really have
 none. If I had, that *orthodox* bishop would
 surely be able to remove them; only I should
 fear that for every *one* of mine he carried away,
 he would leave *ten* of his own behind with
 me. I might likewise be treated with one of
 his quaint persuasives to *continence*, the only
 doctrine to which his practice has been fully
 adequate. It could never come more *à propos*,
 or with greater probability of success, for
 that cold frozen virtue of *chastity*, the virtue

' of age not of youth, seems likely to be
 ' much my portion the rest of this year, as
 ' has been that pedant's every year of his life
 ' His virtue is *fixed as in a frost*, beyond all the
 ' powers of genial spring, or a charming, lu-
 ' cious wife: mine I trust will *thaw, melt, and*
 ' *resolve itself to sprightly dew*, long before the
 ' first breath of zephyr.

' After all, my dear doctor, I might I believe
 ' admit the *state physician* and *surgeon* without
 ' any danger of a *Russian hæmorrhoidal cholera*
 ' but I will not do any thing *on compulsion*
 ' *Hal.* I do not suspect either of them in the
 ' least to resemble a *Talbot*, a *Martin*, a *Forbes*
 ' or a *Dun*. On the contrary, they are both
 ' amiable men, and therefore I wish you would
 ' bring them here to dinner as soon as I get
 ' little better, for at present if they came
 ' should fear they would place themselves *by au-*
 ' *thority*, one on the right, and the other on
 ' the left hand, of their poor patient, and
 ' like *Sancho's doctor* with his wand, forbid
 ' tasting any thing I ogled, or rather *squinted*
 ' at.

' I am alone. If you are disengaged, I wish
 ' you to come here at four, and I will give
 ' you half my boiled chicken. We never
 ' want food for laughter, while, in the phrase

• Ask of the *learn'd* the way? The *learn'd* are blind:
 That way a *Warburton* could never find.

Essay on Woman, Ep. 4. l. 1.

of the sly * Fox, George Grenville has the
CONDUCT OF THE HOUSE OF COMMONS.

‘ I am ever, my dear Sir,

‘ Your affectionate humble servant,

‘ JOHN WILKES.’

While Mr. Wilkes lay dangerously ill of his wound, it was given out by the advocates of the ministry, that as soon as he came to the house he would be expelled : of course therefore a vacancy would happen for the borough of Aylesbury which he represented ; and somebody put the following paragraph in the London Evening Post.

Extract of a letter from Aylesbury, Dec. 1.

‘ We have had great canvassing here since there has been a talk of expelling Mr. Wilkes. Sir William Lee has been very busy in behalf of his friend the captain ; but it is not believed he will succeed, because it is very ungenerous and ungentleman-like, in such a particular case as this, to solicit interest to succeed a man before it is certainly known whether he will be expelled.’

* Fox, lord Holland.

Which occasioned the following letter.

To the printer of the London Evening Post.

‘ SIR,

‘ Having seen in your paper of last Saturday, a reflection upon me, for having interested myself in behalf of a friend, upon the supposition of a vacancy likely to happen for that borough, I desire you to inform your anonymous correspondent, that I have done nothing therein, or upon any occasion whatever, that I am not ready to vindicate as a gentleman to any one that shall require it.

‘ W. LEE.

‘ Hartwell, Dec. 6, 1763.’

Although Mr. Wilkes was very innocent of the paragraph alluded to, yet he could not help taking notice of so extraordinary a letter; and immediately wrote the following answer.

To Sir William Lee of Hartwell, in the county of Bucks, bart.

‘ SIR,

‘ Give me leave to congratulate you on your having commenced author, and the *London Evening Post*, on the great acquisition made of such talents as your’s for that paper. I doubt not of your soon distancing all the other mi-

‘ nisteria

ministerial writers; and though you may not regularly on Saturday nights have your pay counted out to you, yet some little snug sinecure, or a ministerial mandate to a county, for what you were very lately so awkwardly gaping after, (though thank heaven you were disappointed) may, in the end, recompence your labours.

‘ I must, however, recommend to you, rather more temper, you *start* too furiously; you should first play with bended reins, then urge by degrees more rapidly, and at last try the whole fury of the course. As a young man, you are intitled to pardon, but you should have laughed at an idle paragraph in a news-paper, in which your GREAT name is not at length. Did the consciousness of having merited that little satire, sting you? I have a right to ask you; for in your curious letter, you say, *I have done nothing therein, or upon any occasion whatever* (bravo! W. Lee de seipso) *that I am not ready to vindicate as a Gentleman to any one* THAT (not who) *shall require it*. Now I will only remark, *That, that that* worthy baronet urges it the very pink of chivalry, and *that that* is very brave. But do you mean to vindicate it by your *pen* or your *sword*? If by your *pen*, as you offer to *vindicate it to any one*, I A. B. beg to ask you a few questions. Was it consistent with *honour* and *humanity* to begin a canvass in the borough

‘ of Aylesbury, when there was no certainty
 ‘ of any vacancy, and the present member lay
 ‘ dangerously ill from an affair of *honour*? Was
 ‘ this christian-like, pouring oil into his bleed-
 ‘ ing wounds; or, was it not, as far as you
 ‘ could, planting thorns under a sick man’s
 ‘ pillow? Was it fair, candid, or just, order-
 ‘ ing application to be made to one of the re-
 ‘ turning officers, who is Mr. Wilkes’s tenant?
 ‘ Have you ever had any provocation from Mr.
 ‘ Wilkes? Have you not always been upon
 ‘ terms of civility with him? Justify then to
 ‘ the world, the propriety, the decency, or
 ‘ even the humanity of your conduct.

‘ But, perhaps, I mistake you, and you
 ‘ meant to justify it by your *sword*. You have
 ‘ just begun by *inking* your *maiden pen*, and
 ‘ you might possibly mean at the same time
 ‘ to contrive to *flesh* your *maiden sword*. Pray
 ‘ be explicit, and let me know if you meant to
 ‘ send a challenge to all the world by the *Lon-*
 ‘ *don Evening Post*. Was ever any thing so
 ‘ truly noble and great?

‘ But I tire you and myself: I shall there-
 ‘ fore conclude, with only begging of you,
 ‘ that, instead of beginning any disturbances
 ‘ at Aylesbury, you would keep your own
 ‘ little parish of Hartwell quiet, and be re-
 ‘ conciled to a worthy clergyman, who never
 ‘ offended you, and whom your good father
 ‘ cherished and honoured.

‘ White Hart, Aylesbury, Dec. 16, 1763.

In the Christmas holidays, Mr. Wilkes, being somewhat better, took that opportunity, during the adjournment of the house, to pay a visit to his daughter at Paris, but was there taken so ill as to render a return to England impossible for some time, during which the following transactions happened.

On his arrival at Paris, he received the following card from Samuel Martin, who had fled thither in consequence of their late duel.

‘ Hotel de Luynes, Dec. 30, 1763.

‘ Mr. Martin presents his compliments to Mr. Wilkes, and desires to know how he does, flattering himself, from Mr. Wilkes’s performance of so long a journey, at this season of the year, that his health is perfectly re-established.

‘ Mr. Martin cannot help taking this opportunity to assure Mr. Wilkes, that he had desired Mr. Bradshaw to deliver up Mr. Wilkes’s note, written to Mr. Martin on the 16th Nov. as it occurred to the latter that any imaginable use might be made of it to Mr. Wilkes’s prejudice, and before Mr. Martin had heard from Mr. Bradshaw that it was actually given up.

Mr. Martin returns his thanks to Mr. Wilkes for his attention to Mr. Martin’s safety, by giving the early notice he did to Mr.

‘ Bradshaw,

‘ Bradshaw, of his apprehending himself to be in danger.

‘ It is impossible for Mr. Martin to think of taking part in any affair of Mr. Wilkes’s that he may find depending in the House of Commons at his arrival in England. He proposes to set off from hence on his return home on Monday next, but believes he shall not set foot in London till those affairs are determined, to avoid even a colour of suspicion that he is capable of appearing against Mr. Wilkes after what hath so recently happened.’

To which Mr. Wilkes returned the following answer :

‘ Hotel de Saxe, Dec. 30, Friday.

‘ Mr. Wilkes’s compliments to Mr. Martin, and is much obliged by the favour of his note. Mr. Wilkes is going to pay his respects to lord Hertford, and if Mr. Martin is disengaged, will afterwards wait upon him for a quarter of an hour, at the Hotel de Luynes.’

Mr. Wilkes finding it impossible, from the ill state of his wound, to be able to reach England by the day appointed (the 19th of January), sent from Paris the following letter and certificates to the speaker of the House of Commons.

‘ Paris

‘ Paris, Hotel de Saxe, Jan. 11, 1764.

‘ SIR,

‘ I cannot express the concern I am under, from the impossibility I now find of attending my duty in parliament on the 19th of this month: I have suffered very much from the tour I made here in the holidays to see my daughter: my wound is again become extremely painful, the parts are very much inflamed, and a fever attends it. I inclose a certificate of one of the King’s physicians, and a surgeon of the army, gentlemen of eminence in their profession, who think it absolutely necessary for me to stay some time longer at Paris. I refer to the certificate itself for the particulars.

The impatience I feel to justify myself to the House, from the groundless and cruel attacks upon me, and the zeal I hope ever to retain for the vindication of the sacred rights of the Commons of Great Britain, and the privileges of parliament, both of which have been grossly violated in my person, had determined me to set out for England on Friday next; but I now find myself incapable of performing the journey. I am therefore, Sir, under the necessity of entreating you to submit my case to the House, and I doubt not, from their justice, a more distant day will be appointed, when it may be in my power to attend the discussion of points
‘ very

‘ very important in themselves, and in which I
 ‘ am very materially concerned.

‘ I would not, Sir, implore this of the House
 ‘ if I thought the delay could be attended with
 ‘ any possible inconvenience to the public ; and
 ‘ I beg to observe, that I seized the first mo-
 ‘ ment, which the resolutions of parliament
 ‘ gave me, to enter my appearance to the in-
 ‘ formations filed against me in the King’s
 ‘ Bench.

‘ I am,

‘ With due respect and regard,

‘ Sir, your most obedient

‘ humble servant,

‘ JOHN WILKES

‘ Right hon. Sir John Cust.’

‘ Nous, soussignés, médecin-consultant du
 ‘ roi, ci-devant médecin en chef de ses armées
 ‘ en Allemagne et en Espagne ; et nous, chi-
 ‘ rurgien-consultant des armées, et chirurgien
 ‘ major du régiment des Gardes Françaises
 ‘ certifions que monsieur Mr. Jean Wilkes est
 ‘ dans un état qui ne lui permet point, tant par
 ‘ rapport à sa blessure, qui n’est pas encore
 ‘ entièrement cicatrisée, que par rapport à la
 ‘ fièvre qui lui est survenue, d’entreprendre
 ‘ route de Paris à Londres ; qu’il seroit
 ‘ craindre, vû l’inflammation et le bouffon-
 ‘ nement considérable arrivés depuis peu de jours

‘ qu

qu'il ne se formât une hernie, à laquelle il ne seroit point possible de remédier; que, pour prévenir cet accident dont il est menacé, et que le mouvement violent, tel que celui d'une chaise de poste, et l'agitation de la mer, ne manqueroient pas de déterminer; il est absolument indispensable, qu'il reste encore quelque temps à Paris. En foi de quoi nous lui avons délivré le présent certificat.

A Paris, 11 Janvier, 1764.

‘ DINNIN.

‘ DUFOUART.’

‘ London, Jan. 17th, 1764.

‘ SIR,

‘ I received, by the post, this day, the favour of your letter, dated from the Hotel de Saxe at Paris the 11th instant, together with a certificate of a physician and surgeon, both which I shall, according to your desire, communicate to the House of Commons on Thursday next, to which day the House yesterday adjourned.

‘ I am very sorry, Sir, for the account which you give of your health; and am,

‘ Sir, your most obedient,

‘ humble servant,

‘ JOHN CUST.’

Directed to John Wilkes, esquire.’

We

We come now to a second important day in the annals of the House, the 19th of January.

The order of the day being read for the attendance of John Wilkes, esq; in his place, answer a charge mentioned in an order of this House, of Thursday the first day of December last: Mr. Speaker acquainted the house “ That he, upon Tuesday last, received a letter by the general post from Mr. Wilkes dated Paris the 11th instant, inclosing a paper in the French language, purporting to be a certificate of one of the French King’s physicians, and of a surgeon of the King’s army, relating to the state of Wilkes’s health, subscribed with two names but not authenticated before a notary public nor the signature thereof verified in any manner whatsoever.” And Mr. Speaker read the said letter to the House (*the preceding letter and certificate.*)

A motion being made, and the question being put, “ That the further consideration of the said order for the attendance of John Wilkes, esq; be adjourned till to-morrow morning? The house divided. The Yea’s went forth.

Tellers for { Lord Harry Powlett, } 10
the Yeas { Mr. Mawbey, }

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Tellers for { Lord Strange,
the Noes { Mr. Thomas Pitt, } 239.

So it passed in the negative.

A motion was made, and the question being
t, " That John Wilkes, esq; a member of
this House, having been required, by the re-
peated orders of this House, to attend in his
place, to answer the charge of being the au-
thor and publisher of the printed paper, in-
titled, *The North Briton*, No. 45, and hav-
ing been from time to time excused from
his attendance upon the days appointed, on
the representations made to this House of his
utter inability to attend in respect of his
health, and after refusing to admit the phy-
sician and surgeon, appointed by this House,
to observe and report the state of his health,
having withdrawn himself into a foreign
country, without assigning a sufficient cause,
is guilty of a contempt of the authority of
this House; and that this House will there-
fore now proceed to hear the evidence upon
the matter of the said charge." The House
resolved. The Yeas went forth.

Tellers for { Lord Thomond,
the Yeas { General Townshend, } 275.
Tellers for { Lord Gage,
the Noes { Mr. James Grenville, } 70.

So it was resolved in the affirmative.

Then

Then another of the said papers, intituled "The North Briton, No. 45," was produced, and delivered in at the table.

And several of the persons who were ordered to attend the House this day, were called in and examined at the bar, in support of the said charge.

And a motion was made, and the question being put, "That the further hearing of evidence upon the matter of the said charge be adjourned till to-morrow morning." The House divided. The Yeas went forth.

Tellers for	{ Mr. Harbord,	} 64.
the Yeas	{ Mr. Onflow,	
Tellers for	{ Mr. Edmonstone,	} 225.
the Noes	{ Mr. Whately,	

So it passed in the negative.

Then several other of the persons who were ordered to attend the House this day, and all other witnesses, were severally called in, and at the bar examined, and evidence was produced in further support of the said charge.

And a motion was made, and the question being put, "That the further hearing of evidence upon the matter of the said charge, be adjourned till to-morrow morning." The House divided. The Yeas went forth.

Tellers

Appe.

Tellers for { Mr. Milles,
the Yeas { Mr. Nicholson Calvert, } 57.

Tellers for { Mr. Frederick Montagu,
the Noes { Sir John Glynne, } 227.

So it passed in the negative.

Then another of the persons, who were ordered to attend this House this day, was called in, and at the bar examined in further support of the said charge. And the House having continued to sit till past two of the clock on Friday morning,

A motion was made, and the question being put, that the further hearing of evidence upon the matter of the said charge be adjourned till this day at twelve of the clock.

It passed in the negative.

Then another of the persons who were ordered to attend this House this day, and also one of the aforementioned witnesses was again called in, and at the bar severally examined, and evidence was produced in further support of the said charge.

Resolved, That it appears to this House, that the said John Wilkes, esq; is guilty of writing and publishing the paper, intituled, "The North Briton, No. 45," which this House has voted to be a false, scandalous, and seditious libel, containing expressions of the most unexampled insolence, and contumely towards

his Majesty, the grossest aspersions upon both Houses of Parliament, and the most audacious defiance of the authority of the whole legislature, and most manifestly tending to alienate the affections of the people from his Majesty, to withdraw them from their obedience to the laws of the realm, and to excite them to traiterous insurrections against his Majesty's government.

Resolved, That the said John Wilkes, esq; be, for his said offence, **EXPELLED** this House.

Friday the 20th of January, a new writ was ordered for the electing of a burghers to serve in this present parliament for the borough of Aylesbury, in the room of John Wilkes, esq; expelled this House.

Mr. Wilkes's complaint of a breach of Privilege (so long before as the 15th of November of this House, by Robert Wood and Philip Carteret Webb, members of the House, and Robert Blackmore, James Watson, and John Money, by the imprisonment of the person of John Wilkes, esq; then a member of the House and the seizing of his papers in an illegal manner, was again preferred this day, and the matter of the said complaint was ordered to be heard at the bar of the House on Thursday next.

But on the Monday following, the 23d of January, a motion was made that the order of Friday might be read; which being done was discharged.

discharged, and an order made for hearing the matter of the said complaint on Monday the 11th of February following. Previous to this hearing, Mr. Wilkes sent the Speaker the following Letter, inclosing another certificate, which was not printed in the Journals of the House.

‘ Paris, Feb. 5, 1764.

‘ SIR,

‘ I took the liberty of transmitting to you on the 11th of last month the original of a certificate, which was entirely the hand-writing of Mr. Ninnin, one of the King’s physicians, and signed by that gentleman, as well as by Mr. Dufouart, a surgeon of the army. It was not imagined here that any thing more was necessary among gentlemen. If the House, or any single member, had desired a notarial act of the authenticity of the certificate, I should sooner have troubled you with the enclosed, which is attested by our ambassador at this court. It now becomes my honour to request that it may be laid before the House.

‘ I do not mean, Sir, to mispend my time in making any remarks on the late proceedings. They are so obvious, that they will immediately occur to every man, who is not hostile to the principles of virtue, and dead to the feelings of honour and humanity. I am not able at present to say much, but this I will add, that I am sure my countrymen of the present age, and the faithful historian’s

84 *A Certificate omitted in the Journals.*

‘ page, will do justice to the uprightness of my
 ‘ intentions, to my ardent love of the constitu-
 ‘ tion of our happy island, and to the honest
 ‘ efforts I have made in the cause of liberty.
 ‘ I rejoice that I have been the instrument in
 ‘ the hand of Providence to obtain very impor-
 ‘ tant legal decisions in favour of my fellow
 ‘ subjects.

‘ I am, with *becoming* regard, Sir,

‘ Your very humble servant,

‘ JOHN WILKES.

‘ Directed to the right honourable Sir John
 ‘ Cust.’

A Certificate, omitted in the Journals.

‘ Pardevant les conseillers du Roi, notaires
 ‘ au Châtelet de Paris ; souffignés, furent pré-
 ‘ sents M. Henri Ninnin, médecin-consultant
 ‘ du roi, & ci-devant médecin en chef de
 ‘ armées en Allemagne & en Espagne, & sieur
 ‘ Paul Dufouart, chirurgien-consultant de
 ‘ armées du Roi, & chirurgien-major du régiment
 ‘ des Gardes Françaises, tous deux
 ‘ nous notaires souffignés, bien connus, demeurant
 ‘ enclos de l’Abbaye Saint-Germain des-Prés,
 ‘ paroisse Saint-Symphorien.

‘ Lesquels, en confirmant le certificat de
 ‘ signature privée, qu’ils déclarent avoir donné
 ‘ le 11 Janvier dernier, & qui a été envoyé
 ‘ Londres, ont, par ces présentes, de nouveau

certifié & attesté à tous qu'il appartiendra, que le dit jour, 11 Janvier dernier, & pendant le reste du même mois, Mr. Jean Wilkes étoit dans un état qui ne lui permettoit pas, tant par rapport à sa blessure, qui n'étoit pas entierement cicatrisée, que par rapport à la fièvre qui lui étoit survenue, d'entreprendre la route de Paris à Londres ; qu'il auroit été à craindre, vû l'inflammation & boursoufflement considérable arrivés alors à sa plaie, qu'il ne se formât une hernie, à laquelle il n'auroit pas été possible de remédier ; que, pour prévenir cet accident dont il étoit menacé, & que le mouvement violent, tel que celui d'une chaise de poste, & l'agitation de la mer, n'auroient pas manqué de déterminer, il étoit absolument indispensable qu'il restât encore quelque temps à Paris ; ce que les dits sieurs comparans ont affirmé & attesté, pour avoir visité & pansé le dit sieur Wilkes pendant sa maladie, & ont requis actes aux notaires soussignés, pour servir & valoir ce que de raison.

Fait & passé à Paris, en l'Etude, l'an mil-sept-cent-soixante-quatre, le 3 Février, & ont signé

(Scellé les dits jour & an.)

‘ NINNIN. ‘ DUFOUART.

‘ ROBINEAU.

‘ DE LA RUE.’

* This day, the 5th of February 1764, there appeared before me M. de la Rue, and made oath that he was a notary public, that he had signed the above paper, that M. Robineau was also a notary public, and had signed the same.

* It has been one of the disgraces of a late administration that scarcely a single sentence of any public act was good *English*. The reason perhaps is, that no *English* were employed in the real business? Lord Hertford signs a paper of only two sentences in our language drawn up by his Scottish secretary David Hume, and yet we find three palpable blunders in it. *THERE appeared*. Where? It is not mentioned in the act of the English Ambassador *where* Monsieur de la Rue appeared. *Where* did Lord Hertford see Monsieur de la Rue? Was it at Paris, Versailles, Fontainebleau, or Compeigne? It is not stated in this paper. The French gentlemen are accurate. Their act is declared to be done at *Paris* on the third of February. We have no hint where Lord Hertford was on the fifth. From no information this paper affords us, he might be returned to London, and might have signed it as a *Justice of the Peace*. Lord Hertford is not named as *Ambassador*, nor his capacity of attesting a public act stated.

There appeared Monsieur de la Rue, is a strange and harsh construction, not very usual. The verb takes the place of its nominative. It should rather be, *Monsieur de la Rue appeared before me*, &c. We should know first who the person is, before the quality of *appearing*, or indeed any other, is given him. Such is the general concord of our grammar; but the administration were as little solicitous to preserve concord among verbs and nouns, as among provinces and kingdoms. They made a libel on the late French Minister, *Monsieur D'Eon*, I charitably hope, more from ignorance than malice. When that gentleman's public character ceased, they declared he had no character. The *London Gazette* told the world, *His Majesty has been pleased to declare that Monsieur D'Eon has no longer ANY CHARACTER here, and has forbid him the Court*.

* Lord
w does
may affi

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In witness whereof I have hereunto * affixed my hand and seal.

‘ HERTFORD.’ (L. S.)

Monday the 13th of February, the House (according to order) proceeded to the hearing of the matter of the complaint, and several persons were examined at the bar of the House; Mr. Webb and Mr. Wood were heard in their places, and the further hearing of the matter adjourned 'till the next day.

Tuesday the 14th, the order of the day being read for resuming the adjourned consideration of the matter of the said complaint, when several evidences were examined, a motion was made, and the question being proposed, “ That a general warrant for apprehending and seizing the authors, printers and publishers of a seditious libel, together with their papers, is not warranted by law ;” and a debate arising in the House thereupon, and it being near two of the o'clock on Wednesday morning, a motion was made, and the question being proposed, that the debate be adjourned 'till this day at twelve o'clock : an amendment was proposed to be made to the question last proposed, by inserting after the word, “ debate,” these

* Lord Hertford says, that he has *affixed his hand and seal*. Now does a man *affix his hand* ? I may *set my hand and seal*, or I may *affix my seal* ; but how can I *affix my hand* ?

words, " and the further consideration of the
 " matter of this complaint ;" and the house
 dividing, it passed in the negative, 207 to 197.
 Then another amendment was proposed to be
 made to the said question, by leaving out the
 words, " this day at twelve of the clock," and
 inserting the words, " Friday morning next,"
 instead thereof, and the question being put, that
 the words, " this day at twelve of the clock,"
 stand part of the question, it passed in the ne-
 gative ; and the question being put, that the
 words " Friday morning next" be inserted in-
 stead thereof, it was resolved in the affirmative.
Ordered, That the said debate be adjourned 'till
 Friday morning next.

A motion was made, that the complaint
 against Robert Wood, esq; a member of the
 house, for a breach of the privilege of the House
 be discharged ; and a motion being made, that
 the House do now adjourn, it passed in the
 negative, 208 to 184 ; then the motion being
 again made, that the complaint against Robert
 Wood be discharged, Mr. Wood withdrew.
Ordered, That the complaint against Robert
 Wood, esq; be discharged.

A motion being made, that the complaint
 against Philip Carteret Webb, esq; a member
 of the House, for a breach of the privilege of
 the House, be discharged, Mr. Webb withdrew.
Ordered, That the complaint against Philip
 Carteret Webb be discharged. *Ordered*, That
 the complaint against John Money, Robert
 Blackmore

Blackmore, and James Watson be discharged. And then, the House having continued to sit half an hour after seven o'clock on Wednesday morning, adjourned till Friday morning next, nine of the clock.

Friday the 17th of February, 1764, the House resumed the adjourned debate upon the question proposed upon Tuesday last, "That a general warrant for the apprehending and seizing the authors, printers, and publishers of a seditious libel, together with their papers, is not warranted by law;" and an amendment was proposed to be made to the question, by inserting after the word "seditious," the words "and treasonable;" and the amendment was, upon the question put thereupon, agreed to by the House. Another amendment being proposed to be made to the question, by adding at the end thereof these words, "although such warrant hath been according to the usage of office, and hath been frequently produced to, and never condemned by courts of justice:" an amendment was proposed to be made to the said proposed amendment, by inserting after the first "been," the word "issued," and the said amendment was, upon the question put thereupon, agreed to by the House.

Then another amendment was proposed to be made to the said proposed amendment, by striking out the words "never condemned by courts of justice," and inserting the words "so far

“ far as appears to this house, the validity
 “ thereof hath never been debated in the court
 “ of King’s Bench, but the parties thereupon
 “ have been frequently bailed by the said
 “ court;” and the question being put, that
 the words “ never condemned by courts of
 “ justice,” stand part of the proposed amendment, it passed in the negative. And the question being put, that the words “ so far as appears to this House the validity thereof hath never been debated in the court of King’s Bench, but the parties thereupon have been frequently bailed by the said court,” be inserted instead thereof, it was resolved in the affirmative. Then the said amendment amended was, upon the question put thereupon agreed to by the House.

And then the main question so amended being proposed, “ That a general warrant for apprehending and seizing the authors, printers, and publishers, of a seditious and treasonable libel, together with their papers, is warranted by law, although such warrant hath been issued according to the usage of the office, and hath been frequently produced and, so far as appears to this House, the validity thereof hath never been debated in the court of King’s Bench, but the parties thereupon have been frequently bailed by the said court;”

And a debate arising in the House thereupon
 And a motion being made, and the question

being put, " That the said debate be adjourned till this day four months : " The House divided.

Tellers for { Mr. Rigby, }
the Yeas { Sir John Phillips, } 232.

Tellers for { Mr. Townshend, }
the Noes { Mr. Shelly, } 218.

So it was resolved in the affirmative.

Thus when the ministerial party were so near
ished, the above evasion and subterfuge was
ade use of to prevent, in more express terms,
the sanction of parliament being given to the
claration of the illegality of a general war-
nt.

We have now the happiness of entirely get-
ing rid of the Journals, and we congratulate
the reader that his time and attention will be
longer taken up with the contemplation of
venal transactions of such a wicked and pro-
bate House of Commons. But Mr. Wilkes,
his letter to the electors of Aylesbury, sets
above transactions in a full and clear light ;
which letter the reader will meet with in p.
&c,

Extract of a letter, supposed to have been written
by Mr. Wilkes from Paris, June 5, 1764.

‘ — The two noble *Swedish whigs*, of whom
‘ you were so fond, did me the favour of din-
‘ ing here yesterday. I passed the day very
‘ happily, though not so joyously as that day
‘ twelvemonth, in the midst of my worthy con-
‘ stituents at Aylesbury, all of us in full chorus
‘ to the liberties of our country, and the vir-
‘ tues of our sovereign; yet after the late fla-
‘ grant acts of despotic power in the minist-
‘ ters, not forgetting either their wickedness or
‘ their insolence. * *Joly’s campaign* was not
‘ necessary to inspire the highest good humour
‘ and gaiety on so white, so auspicious a day
‘ as the *fourth of June*. The toast consecrated
‘ the wine, and gave it the true flavour, although
‘ I could not help lamenting my hard and un-
‘ merited lot, of being forced to give such a toast
‘ out of my own dear country, and in a land
‘ where the standard of *liberty* is not yet erected.
‘ With Miss Wilkes’s help we made out
‘ tolerably well, GOD SAVE GREAT
‘ GEORGE, OUR KING; and as the
‘ duke of Nivernois says in one of his letters
‘ *Nous avons toasté & chanté fort gaiement,*
‘ *enfin nous avons été quatre bonnes heures à table.*
‘ As I am an universal *whig*, I could not avoid
‘ giving an additional stanza, the poetry

* A wine-merchant at Paris.

which I endeavoured to bring down as low as the rest of the song, and I believe I succeeded. The thought was good, that the name of BRUNSWICK may ever be as propitious to the liberties of mankind as that of NASSAU, and that our gracious sovereign, through a long and glorious reign, *equally feared abroad and beloved at home*, may approve himself as steady a patron of the rights of Englishmen as his grandfather was. On the whole, it proved the most agreeable day I have passed since a few of us in April kept the anniversary of the victory at CULLODEN, which a good many others seem to have a memorandum to forget, or at least to neglect very shamefully.

Lord Hertford gave yesterday a grand dinner to all the *English* here, *except one*, and to the true *Irish* whigs; nor like a good courtesier, did he omit the new converts, the *Scots*. He did not however observe the distinction which is so much in fashion on your side the water, for the friends of the *Hanover* family were received at least as well as their known enemies. My lot is particular and small enough. I am the single *Englishman* not invited by the ambassador of my country, on the only day I can at *Paris* shew my attachment to our sovereign, as if I was disaffected to the present establishment, and yet I am frequently and grossly abused by a ridiculous fellow at *Bouillon*, because I am known to

‘ hate

' hate the other family, and his master, the duke
 ' married the sister of the Pretender's wife,
 ' princess of Poland, of the house of Sobieski
 ' This scribbler is one *Rousseau*, who by
 ' wretched *Journal* does all he can twice
 ' month to degrade a name made illustrious
 ' one of the best French poets, and by the
 ' great philosopher, though *in these times*
 ' longer the citizen, of Geneva. He lays
 ' my door the North Britons against the Stu-
 ' arts, and their *dear friends* in the north
 ' our island.

' You may believe me, when I assure you
 ' it was not the slightest mortification to me
 ' that I did not receive an invitation to the
 ' Hotel de Brancas. When I was asked, how
 ' it could happen that so staunch a *Whig*
 ' Mr. Wilkes was not invited on the 4th
 ' *June*, I laughed like the old *Roman*, I
 ' rather you should ask why I was NOT
 ' why I WAS invited; perhaps it should have
 ' been asked, why some *others* were invited.
 ' The list of the company, of the *Macs* and
 ' *Sawneys*, NOT in the *French service*, would
 ' divert you. I wish some of our neighbors
 ' from the other side of the Tweed may
 ' keep the * *twenty-first* with more real devotion
 ' than they did the *fourth*. With respect to
 ' external rites they were exemplary here,

* The Pretender's birth-day.

all new converts are; and I believe you find them in England good *occasional conformists*, though I shall ever imagine, that it depends on contingencies how long they will continue. To say the truth, I passed the day much more to my satisfaction than I should have done in a set of mixed or suspicious company, a fullsome dull dinner, two hours of mighty idle conversation, to be purchased in all civility by six more of PHAROAH, which I esteem as well as every other kind of gaming. As to the Ambassador, I have never had the least connection with him, nor indeed do I now wish it; as little too at this time with the * *Scottish* secretary, or at any time with the † *Scottish* chaplain.

An Ambassador generally owes his very nomination to ministerial influence, and is almost of course (‡ *though this does not extend through his family*) under the direction of the ministers, or perhaps as to the present case, in all propriety we ought to say, of the minister, who, *behind and between the curtains*, governs our island. I have never been presented at court, because an Englishman could be presented by the English Ambassa-

Mr. David Hume.

Mr. James Trail, now bishop of Down and Connor.

General Conway, the brother of lord Hertford, was then in opposition.

‘ dor;

' dor; and I will not ask any favour of
 ' Hertford, in the present state of public
 ' fairs; although, as a private nobleman,
 ' should be ambitious to merit, and most fo
 ' tunate to obtain, his friendship, as well
 ' lord Beauchamp's, from their real ster
 ' sense, great intrinsic worth, and what sets
 ' the whole, their *ingenuous, amiable manners*
 ' I have the protection of the laws, which
 ' never offend, and I am at Paris like any o
 ' foreigner, who has no favour to ask,
 ' need seek any particular protection or se
 ' rity. Theelege, which the noblest of poet
 ' gives me, that I neither

Court the smile, nor dread the frown of King

' is as exact truth here as you know it
 ' have been while I was at home. The
 ' circle in which I now walk, will how
 ' bear testimony to the just tribute of gr
 ' tude I pay to the humane virtues of a pri
 ' under whose mild and gentle governme
 ' meet with that protection, which an in
 ' cent man had a right to expect, but c
 ' not find in his own country, under his
 ' sovereign. Yet let me do justice, and c
 ' my complaints to the source from wh

* This last circumstance seems to give an air of irony
 whole.

† Churchill.

supposed to have been written by Mr. Wilkes. 97

they spring, to the base contrivances of ministers, exceedingly wicked and corrupt, and besides stung to the quick, who had obtained a most unhappy ascendancy over the mind of their Prince, and to secure themselves, had endeavoured to make their most odious measures pass for the measures of their master, that the enormous load of their guilt might be thrown from themselves upon him; a practice not new, but of which every reign of the Stuarts furnishes examples.

I hope soon to send you part of a work, *quod et hunc in annum vivat et plures*. It opens with the general idea of political liberty; then proceeds to examine the sentiments of the European nations on this head, as distinguished from the almost universal gross despotism of the rest of the world. The third part is a criticism on the various governments of Europe. The fourth and last, is entirely on the English constitution, the various changes it has undergone, the improvements made in it by the glorious *Revolution*, and the no less happy than timely *accession* of the house of Brunswick. There are a few hints of some remedies to the defects still subsisting in this noble, and, if my prayers are heard, this eternal fabric. A large *Appendix* contains, I hope, a full justification of my conduct upon constitutional grounds. A variety of characters are drawn from the life, which, if I mistake not, will entertain you.

Append. Vol. I.

G

‘ They

98 *A Letter to the Electors of Aylesbury.*

‘ They are certainly curious and genuine, and
 ‘ I believe not *skeletons*, though I hope the ori-
 ‘ ginals will be so before the book is pub-
 ‘ lished.

‘ I am tolerably well in health, and my spi-
 ‘ rits are not funk. I bear up still with con-
 ‘ rage; but *illum hausi dolorem vel acerbissi-*
 ‘ *mum in vitâ, abstrahi è sinu gremioque pe-*
 ‘ *triæ.* Adieu.’

*A letter to the worthy Electors of the borough
 Aylesbury, in the county of Bucks.*

“ *Vox Populi, vox Dei*, ought to be under-
 “ stood of the universal bent and current of
 “ People, not of the bare MAJORITY of a few
 “ *Representatives*; which is often procured by
 “ little arts, and great industry and applica-
 “ tion; wherein those who engage in the pur-
 “ suits of *Malice* and *Revenge*, are much more
 “ sedulous than such as would prevent them.

“ I have been often amazed at the rude
 “ passionate, and mistaken results, which have
 “ at certain times fallen from great assemblies
 “ both ancient and modern, and of other coun-
 “ tries as well as our own. This gave me
 “ the opinion I mentioned a while ago, that
 “ public Conventions are liable to all the in-
 “ firmities, follies, and vices of private men-
 “ therefore when we sometimes meet a few
 “ words put together, which is called the *Vox*

or Resolution of an Assembly, and which we cannot possibly reconcile to prudence or public good, it is most charitable to conjecture that such a *vote* has been conceived, and born, and bred in a private brain, afterwards raised and supported by an obsequious party, and then with usual methods confirmed by an artificial MAJORITY."

SWIFT. *Contests and Dissentions in Athens and Rome.*

' Paris, Oct. 22, 1764.

' GENTLEMEN,

' The very honourable, unanimous, and repeated marks of esteem you conferred on me, by committing to my trust your liberty, safety, property, and all those glorious privileges; which are your birth-right as Englishmen, entitle you to my warmest thanks, and, to the highest tribute of gratitude my heart can pay. Yet in the peculiar circumstances of my case, I think that I ought not at present to rest contented with thanking you. I have always found a true pleasure in submitting to you my parliamentary conduct. It is now more particularly my duty; and when I reflect on the real importance and interesting nature of those great events, in which, as your representative, I have been more immediately concerned, I am exceedingly anxious not barely to justify myself, but to obtain the

‘ sanction of your approbation. It has ever
 ‘ been my ambition to approve myself worthy
 ‘ of the choice you have more than once made
 ‘ of me as your deputy to the great council of
 ‘ the nation, with an unanimity equally honour-
 ‘ able and endearing. The consciousness of
 ‘ having faithfully discharged my trust, of hav-
 ‘ ing acted an upright and steady part in Parlia-
 ‘ ment, as well as in the most arduous circum-
 ‘ stances, makes me dare to hope, that you will
 ‘ continue to me what I most value, the good
 ‘ opinion and friendship of my worthy consti-
 ‘ tuents. Having the happiness of being born
 ‘ in a country, where the name of *vassal* is un-
 ‘ known, where MAGNA CHARTA is the in-
 ‘ heritance of the subject, I have endeavoured
 ‘ to support and merit those privileges, to which
 ‘ my birth gave me the clearest right. Secure
 ‘ as I am of fully justifying my conduct, could
 ‘ I persuade myself that I have acted up to the
 ‘ sacred ideas of liberty, which warm the heart
 ‘ and inspire the actions of my countrymen,
 ‘ should not, under all of the most unjust and
 ‘ cruel persecutions, be quite unhappy.

‘ The various charges brought against me
 ‘ may be reduced to two heads. The one
 ‘ of a public, the other of a private nature.
 ‘ The first is grounded on the political paper
 ‘ the *North Briton*, No. 45.; the other respects
 ‘ a small part of a ludicrous poem, which was
 ‘ stolen out of my house. The two accusations
 ‘ are only so far connected, that I am convinced

there is not a man in England, who believes that if the *first* had not appeared, the *second* would ever have been called in question.

‘ The *Majority* in the *House of Commons* on the 15th of November 1763, *Resolved*, “ That the Paper, intituled, *The North Briton*, No. 45, is a *false, scandalous, and seditious Libel*, containing expressions of the most unexampled insolence and contumely towards his Majesty, the grossest aspersions upon both Houses of Parliament, and the most audacious defiance of the authority of the whole Legislature, and most manifestly tending to alienate the affections of the People from his Majesty, to withdraw them from their obedience to the laws of the realm, and to excite them to traiterous insurrections against his Majesty’s government.” These are the words of the *Resolution*. I mean to examine them with some accuracy.

The first charge is, that *The North Briton*, No. 45, is a *FALSE Libel*. The *Resolution* was moved by *Lord North*; yet in a tedious speech he did not attempt to dispute the *veracity* of any one paragraph in the whole paper. I was in my place during that debate, and I took notice to the House, that his lordship had not said a word to prove the *falsity* of any one sentence; but I could obtain no satisfaction, not even a reply, on that head. On my trial before lord Mansfield, the word *false* was omitted in the information, because

' I suppose the court of *King's Bench* knew that
 ' I would prove publicly *on oath in that court*
 ' by the highest authorities, that every word
 ' in it was *true*. The word *false* is not to be
 ' found among the various epithets applied to
 ' this Paper, in either of the warrants issued
 ' by lord Halifax. I am bold to declare, upon
 ' the most careful perusal of this Paper, that
 ' there is not any one particular advanced
 ' which is not founded on fact, and that every
 ' line in it is strictly and scrupulously con-
 ' formable to *truth*. I will not compliment
 ' the present profligate *Majority* in the *House*
 ' *Commons* so far as to say, they were so well
 ' informed, that they knew the exact truth of
 ' every assertion in that Paper. One particu-
 ' lar however came within their knowledge
 ' the means by which it is hinted that the
 ' ENTIRE APPROBATION OF PARLIAMENT
 ' even of the *Preliminary Articles* of the last
 ' inglorious peace, was obtained, and the pre-
 ' vious step to the obtaining that ENTIRE AP-
 ' PROBATION, the large debt contracted on the
 ' *Civil List*. They knew this assertion was ex-
 ' tremely *true*, and I am as ready to own that
 ' it was extremely *scandalous*.

' The second charge of *scandalous* must there-
 ' be admitted in its full extent, still keeping
 ' in our view that it is *true*. But to whom
 ' is it *scandalous*? To the *Majority*, who have
 ' sacrificed the interests of the nation, by grant-
 ' ing the ENTIRE APPROBATION OF PARLIAMENT

' MEN

MENT, of which so much parade is made in the *Speech*, to an act, which ought to have been followed by an impeachment—To the Minister *, who made the late ignominious *Peace*, and in the very first year of it imposed on us an intolerable *Excise*—To the worst of vipers † in our bosom, to the *Tories*, who have never failed to support his unconstitutional measures, who have made us almost forget the infamy of their ancestors at *Utrecht*, by the greater sacrifices of the *Peace of Paris*. These are the objects of satire in a Paper, which deserved indeed the highest resentment of the *Majority*, because it had proclaimed their disgrace, their *scandal* through all Europe. It was very natural for these men no longer to suffer the *supposed* author to sit among them, and I should have gloried in my *expulsion*, if it had not dissolved a political connection with my friends at Aylesbury, which did me real honour.

* Another charge is, “ That the Paper is a *sedition* libel, tending to withdraw the People from their obedience to the laws of the realm, and to excite them to *traiterous* insurrections against his Majesty’s government.” By the first warrant, under which I was apprehended, *The North Briton*, No. 45, was denominated a *treasonable* Paper. In

* The earl of Bute.

† The King’s mother.

' the second, by which I was committed to
 ' the Tower, *that* word too was omitted; so
 ' that the greatest enemies of this paper seem
 ' to give up it's being either *false* or *treasonable*.
 ' Now the charge is varied by the *Majority* in
 ' the *House of Commons*, with all the little quib-
 ' bling of attornies. The Paper is not TREA-
 ' SONABLE, but *it tends to excite* TRAITEROUS
 ' *insurrections*. It is remarkable that the epi-
 ' thet TRAITEROUS is here given to *insurrection*
 ' as the *supposed* consequence of a *supposed* libel
 ' whereas the Scots, who appeared in open re-
 ' bellion so lately as 1745, were in the weekly
 ' writings against the *North Briton*, published
 ' under the patronage of the *Scottish Ministers*
 ' and *paid for by him out of the public treasury*
 ' only termed *insurgents, who defeated regular*
 ' *forces*. Yet in fact no *insurrection of any kind*
 ' ever did, or could, follow from this publica-
 ' tion, even in those parts of the kingdom
 ' lately subjected to all the insolence and cru-
 ' elty of the most despicable of our species, the
 ' mean, petty *Exciseman*. This is the strongest
 ' case which can possibly be put. The Excise
 ' is the most abhorred monster, which ever
 ' sprung from arbitrary power, and the new
 ' mode of it is spoken of through this Paper as
 ' the greatest grievance on the subject; yet
 ' even in this case, obedience to the laws, and
 ' all lawful authority is strictly enjoined, and
 ' opposition, but what is consistent with the
 ' laws and the constitution, is allowed.

words are very temperate, cautious, and well guarded. "Every *legal* attempt of a contrary tendency to the spirit of concord will be deemed a justifiable resistance, warranted by the spirit of the English constitution." Is this withdrawing the people from their obedience to the *laws* of the realm? Is *resistance* recommended, but expressly only so far as it is strictly *LEGAL*? Let the impartial public determine whether this is the language of *SEDITION*, or can have the least *tendency* to excite *TRAITEROUS insurrections*, or whether the House of Commons have not made a *false* and groundless charge.

"The general charge, that *The North Briton*, No. 45, is a *LIBEL*, scarcely deserves an answer, because the term is vague, and still remains undefined by our law. Every man applies it to what he dislikes. A spirited *satire* will be deemed a *libel* by a wicked Minister, and by a corrupt judge, who feel, or who dread the lash. In my opinion the rankest *libel* of modern times is the *false* and fulsome *Address* of the *Majority* in this *House of Commons* on the *Preliminary Articles*. They said that they had considered them with their *best* *attention*, they expressed the *strongest sentiments* of *gratitude*, they gave their *heartly applause*, they declared the *Peace* would be *no less* *honourable* than *profitable*, *solid*, and, in all *human probability*, *permanent*. Were the *House of Commons* serious in this *Address*, which was
drawn

‘ drawn up and presented, even before any one
 ‘ of the gross blunders in the *Preliminaries* had
 ‘ been amended? If they were, the body of
 ‘ the people judged better, and did not hesitate
 ‘ to give their clear opinion, that the glories
 ‘ of the war were sacrificed by an *inadequate*
 ‘ and *insecure Peace*, which could not fail of
 ‘ soon retrieving the affairs of *France*. Time
 ‘ has already proved that the nation judge
 ‘ right, and that the *Peace* is in almost every
 ‘ part *infamous* and *rotten*, contrary to the vain
 ‘ boast in the * *Minister’s Speech* at the beginning
 ‘ of the same session, “ The utmost

* This expression, *the Minister’s Speech*, should always be
 used, both from propriety and decency. From propriety, be-
 cause the *Minister* composes it, and therefore it is strictly
 speech. From decency, because when it becomes necessary to
 guard the people against any deceit or falsehood, which a wicked
 Administration chuse the King’s tongue to broach, the King
 printer to publish, the King’s name to justify, by this precau-
 tion the public odium recoils on the *Minister*, and no blame
 nor ridicule, directly reach the sacred person of the Sovereign.

The sneer in *Pope* is really indecent. The good bishop, who
 published the late edition of his works, ought in the mildness
 of his commentary, to have softened the severity of the fol-
 lowing passage.

What *Speech* esteem you most? “ *The King’s*,” said I.
 But the best *words*?—“ O Sir, the *Dictionary*.”

POPE. Warburton’s Edition, vol. iv. p. 17.

† On the 25th of November 1762. The affair of *Dennis*
 the *Canada Bills*, the *Manilla Ransom*, &c. were unsettled at the
 end of May 1769.

“ ca

care has been taken to remove all occasions of future disputes between my subjects and those of *France* and *Spain*, and thereby to add security and permanency to the blessings of *Peace*." A declaration not believed by the nation at the time it was made, and since, from a variety of facts, known not to be founded on *truth*. The *North Briton* did not suffer the public to be misled. He acknowledged no *privileged vehicle of fallacy*. He considered the *liberty of the press* as the bulwark of all our liberties, as instituted to open the eyes of the people, and he seems to have thought it the duty of a political writer to follow *truth* wherever it leads. In his behalf I would ask even *Lord Mansfield*, can *TRUTH* be a *LIBEL*? Is it so in the *King's Bench*? Though it has always found a cold and unwelcome reception from his lordship, though it has through life proved much more his enemy than his friend, yet surely he has not been used to treat it as a *libel*. I do not know what the doctrine of the *King's Bench* now is, but I am sure that it will be a satisfactory answer to the honest part of mankind, who follow the dictates of sound sense, not the jargon of law, nor the court flattery of General Parliaments, that the *North Briton*, No. 45, cannot be a *LIBEL*, because it does not in any one line deviate from *truth*.

This unlucky paper is likewise said to contain "expressions of the most unexampled
"insolence

“ insolence and contumely towards his Majesty
 “ ty, most manifestly tending to alienate the
 “ affections of the People from his Majesty;
 “ and by the hirelings of the Ministry it is
 “ always in private charged with *personal* disre-
 “ spect to the King. It is however most cer-
 “ tain that not a single word *personally* disre-
 “ spectful to his Majesty is to be found in any
 “ part of it. On the contrary, the Sovereign
 “ is mentioned not only in terms of decency
 “ but with that regard and reverence, which
 “ due from a good subject to a good King—“
 “ Prince of so many great and amiable qua-
 “ lities, whom England truly reveres—The
 “ personal character of our present amiable
 “ Sovereign makes us easy and happy that
 “ great a power is lodged in such hands.
 “ Are these the “ expressions of the most un-
 “ exemplified insolence and contumely toward
 “ his Majesty,” which the *Majority* in the
 “ House of Commons have declared that it con-
 “ tains? Are these “ expressions most mani-
 “ festly tending to alienate the affections of the
 “ People from his Majesty?” The *Majority*
 “ who could vote this, seem equally superior
 “ to any regard for truth, or modest fear of
 “ detection. The author of that Paper, so
 “ from making any personal attack on his So-
 “ vereign, has even vindicated him *personally*
 “ from some of the late measures, which were
 “ so severely censured by the judicious and
 “ biassed public. He exclaims, with an honest
 “ indignation

indignation, "what a shame was it to see the security of this country, in point of military force, complimented away, CONTRARY TO THE OPINION OF ROYALTY ITSELF, and sacrificed to the prejudices and to the ignorance of a set of people, the most unfit from every consideration to be consulted on a matter relative to the security of the House of Hanover?" When the *speech* is mentioned, when the various absurdities, and even *fallacies* of it, are held out to the nation, it is always called, in the language of parliament and of the constitution, the *Minister's speech*; and the author declares, that he doubts, "whether the imposition is greater on the Sovereign or on the nation;" so tender has he been of the honour of his Prince, so zealous in his vindication. The Minister indeed every where treated with the contempt and indignation he has merited, but he is ever carefully distinguished from the Sovereign. Every kingdom in the world has in its turn found occasion to lament that princes of the best intentions have been deceived and misled by wicked and designing *Ministers* and *favourites*. It has likewise in most countries seen the fate of the few daring patriots, who have honestly endeavoured to undeceive their sovereign, to feel the heaviest marks of his displeasure. It is however I think rather wonderful among us, even in these times, that a paper, which contains the most dutiful expressions

‘ preffions of regard to his Majesty, should
 ‘ treated with such unusual severity, and yet
 ‘ that so many other publications of the same
 ‘ date, full of the most deadly venom, should
 ‘ pass totally unregarded. Some of these pa-
 ‘ pers contained the most opprobrious reflec-
 ‘ tions on that true patron of liberty, the late
 ‘ King, whose memory is embalmed with the
 ‘ tears of Englishmen, while his ashes are rudely
 ‘ trampled upon by others, whom his godlike
 ‘ attribute of mercy had pardoned the crime of
 ‘ unprovoked rebellion. Others were full of
 ‘ the most indecent abuse on our great Pro-
 ‘ tectant ally, the King of Prussia, on the oc-
 ‘ casion of his present Majesty, who has been
 ‘ venerated so highly of the nation by fixing the
 ‘ crown in the House of Hanover, on the arms
 ‘ of his staunchest friends of freedom, the City
 ‘ of London, and on the first characters among
 ‘ us. Yet all these papers have passed un-
 ‘ censored by Ministers, Secretaries, and
 ‘ the two Houses of Parliament.

‘ There only remains one other charge, that
 ‘ the *North Briton*, No. 45, “ contains
 ‘ “ the grossest aspersions upon both Houses of Par-
 ‘ “ liament, and the most audacious defiance
 ‘ “ to the authority of the whole Legislature.”
 ‘ It is to be lamented that the Majority of either
 ‘ House of Parliament should ever lay the
 ‘ ground of any *aspersion*, or fall into general
 ‘ contempt with the people. We have
 ‘ their actions, and we know the mercies

‘ more

atives of them. When the *grosses* asper-
ms are complained of, the question is, *Have*
ey been merited? *Are they well founded?* It
in vain they talk of their *authority*. It is
parted from them. *Authority*, which is
ounded on esteem and reverence, and is the
instant attendant only of those who are be-
yved to be good and virtuous, has long ago
t them; but I must own their *power* still
ains. We have seen to what unjustifi-
le lengths it has been carried; and a man
o is rash enough to make an impotent and
availing attack upon it, will soon find him-
f the unpitied victim. All thinking men
full of apprehensions at the approach of
ir meeting, and the nation impatiently ex-
ts the allotted term of resuming a power
y have so shamefully abused, by setting
e those, who have made the noblest blood
our heroes be spilt almost in vain. Under
arbitrary *Stuarts*, when our more than
man senates dared to bring *truth* to the foot
he throne, and made the trembling tyrant
y her sacred voice, the nation was in love
n Parliaments, because they were the steady
nds of liberty, and never met but in fa-
r of the subject to redress the grievances
he people. Now we are alarmed at every
roaching *session*, because we know that a
upt *Majority* only assemble to make their
terms with the minister, to load their
w-subjects with the most partial taxes, in
order

‘ order to pay the amazing number of useful
 ‘ places and pensions, created only to prevent
 ‘ their *mutiny* or *desertion*, or to surrender
 ‘ the crown those *privileges* of Parliament, com-
 ‘ eval with the constitution, which were
 ‘ length acknowledged to be a just claim, and
 ‘ extorted from the usurpation of former pro-
 ‘ gative princes for the safety of the people, and
 ‘ I fear they meet to forge fetters for themselves
 ‘ and their posterity.

‘ I have thus, gentlemen, gone through
 ‘ the objections made against this paper, which
 ‘ is certainly innocent, perhaps meritorious
 ‘ only to shew the extreme injustice of the
 ‘ treatment I experienced, as the *supposed* au-
 ‘ thor. The most cruel orders were given
 ‘ the deceased secretary of state, to drag me
 ‘ of my bed at midnight. A good deal of im-
 ‘ manity, and some share of timidity, pre-
 ‘ vented the execution of such ruffian-like com-
 ‘ mands. I was made a prisoner in my own
 ‘ house by several of the King’s messengers
 ‘ who only produced a *General Warrant*, issued
 ‘ without oath, neither naming, nor describing
 ‘ me. I therefore refused to obey a warrant
 ‘ which I knew to be illegal. I was however
 ‘ by violence carried before the Earls of Be-
 ‘ mont and Halifax, who thought it worth
 ‘ while to ask me a tolerable number of pre-
 ‘ questions, to not one of which I thought
 ‘ worth my while to give a plain answer.
 ‘ is now no small satisfaction to me to know

that I have not a friend in the world, who wishes a single word *unsaid* by me in the critical moment of that examination. I informed their lordships of the orders actually given by the *Court of Common Pleas* for my *Habeas Corpus*; notwithstanding which I was committed to the Tower, the custody of me shifted into other hands, and that act for the liberty of the subject eluded. Although the offence of which I stood accused, was undoubtedly available, yet for three days every person was refused admittance to me, and the * governor was obliged to treat me in a manner very different from the great humanity of his nature, for he had received orders to consider me as a *close* prisoner. I rejoice that I can say, I am the only instance of such rigorous treatment since the accession of the mild house of Brunswick, although the Tower has twice been crowded even with rebels from the northern parts of the Island; and therefore I shall continue to regret the wretched and cowardly policy, the indecent partiality, and even injustice, of conferring on Scotsmen ALL the governments of the few conquests not tamely given up by the SCOTTISH *Minister*, conquests won by the valour of the united forces of England, Scotland, and Ireland. While I suffered this harsh confinement, my house in

* Major Rainsford.

' Great George-street was plundered, all my
 ' papers were seized, and some of a very * nice
 ' and delicate nature, not bearing the most
 ' distant relation to the affairs of government,
 ' were divulged, as if Administration had been
 ' determined to shew, that men, who had vio-
 ' lated *public justice*, were incapable of private
 ' honour.

' Two days previous to my being heard be-
 ' fore a court of justice, I had the grief to find
 ' that my enemies had prevailed on his Majesty
 ' to shew me a publick mark of his displeasure
 ' by superseding me as *Colonel* of the Regiment
 ' of my own county, without any complaint
 ' against me, which could not but give such a
 ' step the very unconstitutional appearance of
 ' an endeavour to *influence* or *intimidate* mag-
 ' judges. When I was brought before the court
 ' of *Common Pleas*, I pleaded the cause of un-
 ' *iversal liberty*. It was not the cause of Peers
 ' and Gentlemen only, but of *all the middling*

* Whatever is held most dear or sacred was violated by me
 destitute of every good principle, and spurning at all ties of pri-
 vate conscience, as well as of public decorum. An indiscreet
 letter of the handsome and lively wife of a Member of Parlia-
 ment in the opposition was found in Mr. Wilkes's pocket-book.
 The original was shewn even to some relations of the husband,
 and the peace of two families sacrificed at the altar of ministerial
 revenge. A paper was found sealed up and endorsed, *Mr.*
Wilkes's last Will and Testament. It was evident that this was
 paper of the most private nature; yet the seal was not respect-
 ed, and the sacredness of such a deed could not preserve his most
 secret concerns from being divulged to the public.

and inferior class of people, which stand most in need of protection, which I observed was on that day the great question before the court. I was discharged from imprisonment by the unanimous sentence of my judges, without giving any bail or security. On the first day of the meeting of Parliament, I humbly submitted my grievances to the *House of Commons*, as they were chosen to be the guardians of the liberties of the people against the despotism of ministers. I likewise voluntarily entered my appearance to the actions brought at law against me, as soon as I knew the determination of the *Majority*, that all the such irregularities against me should be justified, and that no *privilege* should be allowed in my case, even as to the * mode of proceeding, which was the most harsh the rancor of party of un could devise.

The first charge exhibited against me was for being the author of the *North Briton*, No. 45, and I was expelled the House of Commons on that charge, after a loose examination at their bar of *witnesses without oath*. The judicial proceedings against me, as the *supposed author*, were however dropped, and I was afterwards tried in the *King's Bench* only for the republication of it. If the charge against me as author was just, and could be supported

* The subpoena, &c. served on Mr. Wilkes,

' on oath, why was I not tried at law on that
 ' charge? If the charge was unjust, and could
 ' not be supported on oath, why was I expelled?
 ' led? If the republication is a crime, it was
 ' publicly committed by the printers of several
 ' news-papers, who still remain unnoticed, al-
 ' though their names appear to their several
 ' papers. This is surely a glaring proof of the
 ' greatest partiality. My personal enemy, Lord
 ' Mansfield, chose to try both the causes against
 ' me, that he might, in the most dastardly
 ' manner, under the colour of law, avenge the
 ' attack made on those known political prin-
 ' ciples of his, so inconsistent with the glorious
 ' Revolution, on the rooted attachment of him-
 ' self and his nearest relations to the Stuart fa-
 ' mily, on his partiality in the seat of justice
 ' &c. &c. which seem to have been favouring
 ' topics in the *North Briton*, and other political
 ' papers, of which his Lordship did me the
 ' honour to name me as the author. This has
 ' long rankled in his heart, and now the fair
 ' opportunity of revenge presented itself. Having
 ' ing carefully studied the records, and find-
 ' ing that they did not insure the certainty
 ' wished of my conviction, on the evening pre-
 ' ceding the trials, he sent for my solicitor
 ' HIS OWN HOUSE, and desired him to con-
 ' sent to the alterations his Lordship proposed
 ' in both the causes, that of the *North Briton*,
 ' No. 45, and of the *Essay on Women*.
 ' The Chief Justice sunk into the crafty art

ney, and made himself a party against the person accused before him as judge, when he ought to have presumed me *innocent*. My *solicitor* refused, and against his consent *the records were there materially altered* by his Lordship's express orders, so that I was tried on two new charges, very different from those I had answered. This is, I believe, the most daring violation of the rights of *Englishmen*, which has been committed by any judge since the time of *Jeffries*; yet this arbitrary Scottish *Chief Justice*, still remains unimpeached—except in the hearts of the whole nation. Several of the *Jury* were by counter-notices, signed *Summoning Officer*, prevented from attending on the day appointed for the trial, while others had not only private notice given them of the *real day*, but likewise instructions for their behaviour. To crown the whole, Lord *Mansfield* in his charge *tortured both the law and the fact so grossly*, that the audience were shocked no less at the indecency than at the partiality of his conduct. I was during all this time very dangerously ill with my laughter at Paris, absolutely incapable of making any personal defence, and indeed totally ignorant of the two new questions, on which I was to be tried.

The *Majority* in the House of Commons had in this interval grown so impatient for revenge, that they would not wait to see, if I should be intangled in the nice meshes of

' the curious *Mansfield* net, which was spread
 ' for me. They voted my *expulsion*, while
 ' was confined to my bed at Paris, although
 ' had sent to their *Speaker* the most authentic
 ' proof of my absolute inability to attend the
 ' summons, and had only desired a short delay.
 ' Humanity pleaded my cause in vain. The
 ' corrupt and cankered hearts of those members
 ' which had been shut against justice, were not
 ' open to pity. They were steeled against
 ' compassion, but I am sure they will feel
 ' remorse.

' I now proceed to the other charge brought
 ' against me, which respects an idle poem, called
 ' an *ESSAY ON WOMAN*, and a few other
 ' detached verses. If so much had not been
 ' said on this subject, I should be superior
 ' entering upon any justification of myself, but
 ' cause I will always maintain the right of private
 ' vate opinion in it's fullest extent, when it is
 ' not followed by giving any open, public
 ' fence to any establishment, or indeed to any
 ' individual. The crime commences from the
 ' thence, and the magistrate has a right to inter-
 ' terpose, and even to punish outrageous and
 ' indecent attacks on what any community
 ' decreed to be sacred. Not only the rights
 ' of good breeding, but the laws of society
 ' then infringed. In my own closet I have
 ' right to examine, and even to try by the
 ' edge of ridicule, any opinions I pleased.
 ' I have laughed pretty freely at the glaring
 ' absurdities.

furdities of the most monstrous *creed*, which was ever attempted to be imposed on the credulity of Christians, a creed which our great Tillotson WISHED THE CHURCH OF ENGLAND WAS FAIRLY RID OF, it was in private I laughed. I am not the first good Protestant, who has amused himself with the egregious nonsense, and silly conceits, of that strange, perplexed, and perplexing mortal, that *saint* of more admirable swallow, and more happy digestion than any of the tribe of *Athanasius*. I gave however no offence to any one individual of the community. The fact is, that after the affair of the *North Briton*, the government bribed one of my servants to *steal* a part of the *Essay on Woman*, and the other pieces, out of my house. Not quite a *fourth* part of the volume had been printed at my own private press. The work had been discontinued for several months, before I had the least knowledge of the theft. Of that *fourth* part only twelve copies were worked off, and I never gave one of those copies to any friend. In this infamous manner did government get possession of this new subject of accusation, and, except in the case of Algernon Sydney, of this new species of crime; for a *Stuart* only could make the refinement in tyranny of ransacking and robbing the recesses of closets and studies, in order to convert *private amusements* into *state crimes*. After the servant had been bribed

' to commit the theft in his master's house, the
 ' most abandoned * man of the age, who in
 ' this *virtuous* reign had risen to be secretary
 ' of state, was bribed to make a complaint to
 ' the House of Lords, that I had *published* a
 ' infamous *Poem*, which no man there had
 ' ever seen. It was read before that great as-
 ' sembly of *grave lords* and *pious prelates*, ex-
 ' cellent judges of wit and poetry, and was ordered
 ' to lie on the table, for the clerks of the House
 ' to copy, and to *publish* through the nation.
 ' The whole of this proceeding was, I own, a
 ' public insult on order and decency; but it
 ' was committed by the House of Lords, not
 ' by the accused member of the House of Com-
 ' mons. The neat, prim, smirking chaplain
 ' that babe of grace, that *gude cheeld* of the
 ' prudish kirk of Scotland, the earl of Mar
 ' was highly offended at my having made a
 ' *essay on woman*. His nature could not forgive
 ' me that † *ineffable* crime, and his own con-

* The earl of Sandwich, of whom Churchill in the *Candide* says,

Vice, bold, substantial Vice, puts in her claim,
 And stamps him perfect in the books of shame.
 Observe his follies well, and you would swear
 Folly had been his first, his only care;
 Observe his vices, you'll that oath disown,
 And swear that he was born for vice alone.—
 Search earth, search hell, the Devil cannot find
 An agent, like Lothario, to his mind.

† The expression of Mr. Kidgell.

conduct did not afford me the shadow of an apology. In great wrath he drew his grey goose quill against me. The *pious peer* caught the alarm, and they both poured forth most wonderful lamentations, their tender hearts overwhelmed with *grief*, or as the *chaplain*, who held the pen, said, with *grief of griefs*. He proceeded to make very unfair extracts, and afterwards to *be-note* them in the foulest manner. The most vile blasphemies were forged, and published as part of a work, which in reality contained nothing but fair ridicule on some doctrines I could not believe, mock panegyrick, flowing from mere envy, which thickened at the *superior parts and abilities*, as well as *wondrous deeds* of a man I could not love, a few portraits drawn from warm life, with the too high colouring of a youthful fancy, and two or three descriptions, perhaps too luscious, which though *nature and woman* might pardon, a Kidgell and a Mansfield could not fail to condemn.

I have now, Gentlemen, gone through all the objections, which have been made to my conduct in a *public* capacity. My enemies finding that I was invulnerable, where they pointed their most envenomed darts, afterwards attempted to assassinate my private character, and propagated an infinite variety of groundless calumnies against me. I have generally treated these with the contempt they deserved, from the certainty that all who knew
‘ me,

‘ me, would know that I was incapable of the
 ‘ things laid to my charge. A few falsehoods
 ‘ advanced with more boldness than the rest
 ‘ I was at the pains to refute. The Winchester
 ‘ chester * story in particular, because it re-
 ‘ spected lord Bute’s own son, and had been
 ‘ ushered to the public with the greatest po-
 ‘ rade, as well as with all the impudence of
 ‘ malice, and rage of party, I disproved so fully
 ‘ that I am sure not the least shadow of a doubt
 ‘ remained in any man’s mind as to my entire
 ‘ innocence of that most illiberal charge.
 ‘ have lived so long among you, Gentlemen,
 ‘ that I will rest every thing respecting me as
 ‘ private man on the testimony, which the ex-
 ‘ perience of so many years authorizes you to
 ‘ give, well knowing that true candour always
 ‘ weighs in the same balance faults and virtues.
 ‘ The shades in private life are darkened by
 ‘ enemy, but scarcely seen by a friend. Be-
 ‘ sides it is not given to every man to be as
 ‘ pious as lord Sandwich, or as chaste, yet
 ‘ potent, in and out of the marriage-bed,
 ‘ all thought, word, and deed, as the Bishop
 ‘ of Gloucester.

‘ A few other particulars, Gentlemen,
 ‘ serve to be mentioned, that you may be
 ‘ before you the whole of my conduct in these
 ‘ interesting affairs. Immediately after the

* Vide the North Briton, No. XXI.

flagrant breach of the laws, I thought it my duty to the community to commence actions against all the persons guilty. I despised the meanness of attacking only agents and deputies. I endeavoured to bring to the jurisdiction of the law, the *principals*, the first and great offenders, the *two secretaries of state*. I blush for my country, when I add, that although I have employed the ablest gentlemen of the profession, they have hitherto found it impossible even to force an appearance. Lord Egremont died, braving the justice of his country. Lord Halifax lives, perhaps to triumph over it, and to give the example to future secretaries of committing the grossest violation of the rights of the Commons with impunity. The judicial proceedings at my suit commenced in the beginning of May twelvemonth, and now at the end of October in the present year, his lordship has not entered any appearance, seeking shelter all the winter under *privilege*, all the summer under the *chicane of law*. The *little offenders* indeed have not escaped. Several *honest juries* have marked them with ignominy, and their guilt has been followed with legal punishment. But what is of infinitely greater importance to the nation, we have heard from the Bench, that GENERAL WARRANTS * *are absolutely illegal*.

The right honourable lord Camden gave his final opinion granting general warrants by secretaries of state. After enlarging

' legal. Such a declaration is become in the
 ' highest degree interesting to the subject, be-
 ' cause the *Majority* in this *courtly House of Com-*
 ' *mons* refused the very last winter to come
 ' any resolution in favour of the rights of the
 ' fellow-subjects. We owe it likewise to the
 ' most upright, independent, and intrepid *Chief*
 ' *Justice* of the *Court of Common Pleas*, that
 ' the action against the under secretary of state
 ' Mr. Wood, *the seizure of papers*, except
 ' cases of High Treason, has been declared
 ' legal.

' When I reflect on these two most impor-
 ' tant determinations in favour of *liberty*, the
 ' best cause, and the noblest stake, for which
 ' men can contend, I congratulate my free-
 ' countrymen, and am full of gratitude to
 ' heaven inspired me with a firmness and
 ' fortitude equal to the conduct of so arduous
 ' business. Under all the wanton cruelties
 ' usurped and abused power, the goodness
 ' the cause supported me, and I never lost sight
 ' of the great object, which I had from the
 ' in my view, the preservation of the rights
 ' privileges of every *Englishman*. I glory
 ' the name, and will never forget the duty

enlarging upon, and explaining a number of cases, his lordship
 declared such warrants (excepting in cases of high treason) to
 be illegal, oppressive, and unwarrantable: by this noble de-
 termination, Englishmen's houses may now again be considered
 their castles, and not so liable to be exposed to the weak-
 ness of arbitrary and despotic power.

' resolute

consulting from it. Though I am driven into exile from my dear country, I shall never cease to love and reverence it's constitution, while it remains free. It will continue my first ambition to approve myself a faithful son of England, and I shall always be ready to give my life a willing sacrifice to my native country, and to what it holds most dear, the security of our most invaluable liberties. While I live, I shall enjoy the satisfaction of thinking that I have not lived in vain, that the present age has borne the noblest testimony to me, and that my name will pass with honour to posterity, for the upright and disinterested part I have acted, and for my unceasing endeavours to protect and secure the persons, houses, and papers, of my fellow-subjects from arbitrary visits and seizures.

I am, GENTLEMEN,

‘ With much regard and affection,

‘ Your most obliged,

‘ And obedient humble servant,

‘ JOHN WILKES.’

Nothing of consequence transpires till November 1766, when we find Mr. Wilkes suing for pardon from his Majesty, through the intercession of the duke of Grafton, in the following letter.

A letter

‘ resul

*A letter to his Grace the duke of Grafton, First
Commissioner of his Majesty's Treasury.*

‘ London, Nov. 1, 1766

‘ MY LORD,

‘ It is a very peculiar satisfaction I feel
‘ my return to my native country, that a noble
‘ man of your grace’s superior talents, and in-
‘ flexible integrity, is at the head of the most
‘ important department of the state. I have
‘ been witness of the general applause, which
‘ has been given abroad to the choice his Ma-
‘ jesty has made; and I am happy to find
‘ my own countrymen zealous and unanimous
‘ in every testimony of their approbation.

‘ I hope, my lord, that I may congratulate
‘ myself, as well as my country, on your grace
‘ being placed in a station of so great power
‘ and importance. Though I have been
‘ separated from the body of his Majesty’s subjects
‘ by a cruel and unjust proscription, I have
‘ never entertained an idea inconsistent with
‘ the duty of a good subject. My heart still
‘ retains all its former warmth for the dignity
‘ of England, and the glory of it’s Sovereign.
‘ I have not associated with the traitors to
‘ liberties, nor made a single connection
‘ with any man who was dangerous, or even
‘ suspected by the friends of the protestant
‘ faith on the throne. I now hope that the rigour
‘ of a long, unmerited exile is past, and that

may be allowed to continue in the land, and among the friends, of liberty.

I wish, my lord, to owe this to the mercy of my Prince. I entreat your grace to lay me with all humility at the King's feet, with the truest assurances that I have never, in any moment of my life, swerved from the duty and allegiance I owe to my Sovereign, and that I implore, and in every thing submit to, His Majesty's clemency.

Your grace's noble manner of thinking, which the * obligations I have formerly received, which are still fresh in my mind, will, I hope, give me a full propriety to this address, and I am sure, a heart glowing with the sacred zeal of liberty, must have a favourable reception from the Duke of Grafton. I flatter myself that my conduct will justify your grace's interceding with a Prince, who is distinguished by a compassionate tenderness and goodness to all his subjects.

I am, with the truest respect,

My Lord, your Grace's most obedient

And most humble servant,

‘ JOHN WILKES.’

Cicero, speaking of Pompey, says, *Nos, ut ostendit, ad-
diligat, amplectitur, amat, aperte laudat: sed—nihil come,
complex, nihil en τοις πολιτικοις honestum, nihil illustre, nihil
libil liberum.*

A second letter to the duke of Grafton.

Vacare culpâ magnum est solatium; præsertim cum habeas duas res quibus me sustentem, optimarum artium scientiam et maximarum rerum gloriam, quarum altera mihi vivo nunquam eripietur, altera ne mortuo quidem.

Cicero

‘ Paris, Dec. 12, 1763

‘ MY LORD,

‘ I am not yet recovered from the astonishment into which I was thrown by your grace’s verbal message, in answer to my letter of the first of November. In a conversation I had with colonel Fitzroy at the Hôtel d’Espagne he did me the honour of assuring me, that I should find his brother my real and sincere friend, extremely desirous to concur in doing me justice, that he was to tell me this to your grace, but that many interesting particulars relative to me could not be communicated by letter, nor by the post. I fondly believed these obliging assurances, because a variety of occasions your grace had testified a full approbation of my conduct, had thanked me in the most flattering terms, as the most useful to the common cause, in which we were embarked *, and had shewn

* Mr. Wilkes might very well exclaim in the words of TULLY, *Non est credibile, quæ sit perfidia in istis principibus, volunt esse, et ut essent, si quicquam haberent fidei; senserunt, indutus, relictus, projectus ab iis: tamen hoc erat in eis, ut cum iis in Republicâ consentirem.*

an uncommon zeal to serve a man who had suffered so much in the cause of liberty.

‘ I returned to England with the gayest, and the most lively hopes. As soon as I arrived at London, I desired my excellent friend, Mr. Fitzherbert, to wait on your grace with every profession of regard on my part, and the resolution I had taken of entirely submitting the mode of the application I should make to the throne for my pardon. I cannot express the anxiety, which your grace’s answer gave me, “ Mr. Wilkes must write to Lord Chatham.” I then begged Mr. Fitzherbert to state the reasons, which made it impossible for me to follow that advice, from every principle of honour, both public and private. I shewed too the impropriety of supplicating a fellow-subject for mercy, the *prerogative* good Kings are the most jealous of, by far the brightest jewel in their crown, and the attribute by which they may the nearest approach to the Divinity. I afterwards wrote the letter to your grace, which I have seen in all the public prints. I never received any other answer than a *verbal* message, “ Mr. Wilkes must write to Lord Chatham. I do nothing without Lord Chatham.” When I found that my pardon was to be bought with the sacrifice of my honour, I had the virtue not to hesitate. I spurned at the proposal, and left my dear native London, with a heart full of grief.

pend. VOL. I. I ‘ of

' of grief that my fairest hopes were blasted
 ' of humiliation that I had given an easy faith
 ' to the promises of a minister and a courtier,
 ' and of astonishment that a nobleman of parts
 ' and discernment could continue in an infatuation,
 ' from which the conduct of lord Chatham had recovered every other man in
 ' the nation. He was indeed long the favourite
 ' character of our countrymen. Every tongue
 ' was wanton in his praise. The whole people
 ' lavished on him their choicest favours, and
 ' endeavoured by the noblest means, by an
 ' unbounded generosity and confidence, to have
 ' kept him virtuous. With what anguish were
 ' we at last undeceived? How much cost
 ' us to give up a man, who had so long entirely
 ' kept possession of our hearts? How cruel
 ' was the struggle? But alas! how he changed?
 ' how fallen? from what height fallen? His
 ' glorious sun is set, I believe never to rise
 ' again.

' We long hoped, my lord, that public virtue
 ' was the *guide* of his actions, and that his
 ' love of our country his ruling passion, but
 ' he has fully shewn, *omnis vis, virtusque lingua sita est* *. Our hearts
 ' glowed with gratitude for the important services he had
 ' done against the common enemy, and the voice
 ' of the nation hailed him our deliverer.

* Ad C. Cæsarem de Republica Ordinanda Epistola prima

but private ambition was all the while skulking behind the shield of the patriot, and at length in an evil hour made him quit the scene of all his glory, the only place in which he could be truly useful, for a retreat, where he knew it was impossible the confidence of the people could follow, but where he might in inglorious ease bear his BLUSHING honours thick upon him.

‘ I might now, my lord, expostulate with your grace on a *verbal* message, and of such a nature, in answer to a letter couched in the most decent and respectful terms, coming too from a late member of the legislature. I might regret, that the largest proffers of friendship and real service could mean no more than two or three words of cold advice, that should apply to another. I might be tempted to think it a duty of office in the first lord of the Treasury, to have submitted to his Majesty a petition relative to the exercise of the noblest act of regal power, which any constitution can give any sovereign. Surely, my lord, my application to the first commissioner of the treasury, who is always considered as the first minister, in England, was the very proper application. As I had made no discovery of any new wonderful pill or drop, nor pretended to the secret of curing the gout or the tooth-ach, I never thought of soliciting Lord Chatham for a *privy seal*. His lordship’s office was neither important, nor responsible.

‘ I will not however enlarge on this, but I shall
 ‘ desire your grace’s permission fully to state
 ‘ what has happened to me as a private gentle-
 ‘ man, relative to lord Chatham, because I
 ‘ would not leave a doubt concerning the pro-
 ‘ priety of my conduct in a mind naturally so
 ‘ candid, and so capable of judging truly, as
 ‘ that of the *Duke of Grafton*.

‘ I believe that the flinty heart of lord Cha-
 ‘ tham has known the sweets of private friend-
 ‘ ship, and the fine feelings of humanity, a
 ‘ little as even lord Mansfield. They are both
 ‘ formed to be admired, not beloved. A proud
 ‘ insolent, overbearing, ambitious man is al-
 ‘ ways full of the ideas of his own importance
 ‘ and vainly imagines himself superior to the
 ‘ equality necessary among real friends in all the
 ‘ moments of true enjoyment. Friendship
 ‘ too pure a pleasure for a mind cankered with
 ‘ ambition, or the lust of power and grandeur.
 ‘ Lord Chatham declared in Parliament the
 ‘ strongest attachment to lord Temple, one
 ‘ the greatest characters our country could ever
 ‘ boast, and said, *he would live and die with*
 ‘ *noble brother*. He has received obligations
 ‘ the first magnitude from that *noble brother*
 ‘ yet what trace of gratitude, or of friendship
 ‘ was ever found in any part of his conduct
 ‘ and has he not now declared the most open
 ‘ variance, and even hostility? I have had
 ‘ warm and express declarations of regard
 ‘ could be made by this marble-hearted friend

and Mr. Pitt had no doubt his views in even feeding me with * flattery from time to time, on occasions too where candour and indulgence were all I could claim. He may remember the compliments he paid me on two certain poems in the year 1754. If I were to take the declarations made by himself and the late Mr. † Potter *à la lettre*, they were more charmed with those verses after the ninety-ninth reading than after the first; so that from this circumstance, as well as some of his speeches in Parliament, it seems to be likewise true of the first orator, or rather the first comedian, of our age, *non displicuisse illi* *occos, sed non contigisse* †.

I will now submit to your grace, if there was not something peculiarly base and pernicious in Mr. Pitt's calling me a *blasphemer* of my God for those very verses, at a time when I was absent, and dangerously ill from an affair of honour. The charge too he knew was || false, for the whole ridicule of those two pieces was confined to certain mysteries,

Vide Mr. Pitt's Letters in the second volume.

Vide Mr. Potter's Letters in the second volume.

Quintilian uses this expression, speaking of Demosthenes.

The verdict of the jury fully justified Mr. Wilkes from the scandalous charge of *blasphemy* made by Mr. Pitt in the House of Commons. Vide likewise the *Votes, Martis, 31^o die Martii, 1769*, printed in the 103d No. of the North Briton, 25, 1769.

' which formerly the *unplaced and unpensioned*
 ' Mr. Pitt did not think himself obliged even
 ' to affect to believe. He added another charge
 ' equally unjust, that I was the *libeller of my*
 ' *King*, although he was sensible that I never
 ' wrote a single line disrespectful to the sacred
 ' person of my Sovereign, but had only at-
 ' tacked the despotism of his ministers, with the
 ' spirit becoming a good subject and zealous
 ' friend of his country. The reason of this
 ' perfidy was plain. He was then beginning
 ' to pay homage to the Scottish idol, and I was
 ' the most acceptable sacrifice he could offer
 ' at the shrine of BUTE. History scarcely gives
 ' so remarkable a change. He was a few years
 ' ago the mad, seditious Tribune of the People,
 ' insulting his Sovereign even in his capital
 ' city, now he is the abject, crouching deputy
 ' of the proud Scot, who, as he declared in
 ' Parliament, *wants wisdom, and holds principles*
 ' *incompatible with freedom*; a most ridiculous
 ' character surely for a statesman, and the sub-
 ' ject of a free kingdom, but the very proper
 ' composition for a *favourite*. Was it possible
 ' for me after this to write a suppliant letter
 ' lord Chatham? I am the first to pronounce
 ' myself most unworthy of a pardon, if I could
 ' have obtained it on those terms.

' Although I declare, my lord, that the con-
 ' scious pride of virtue makes me look down
 ' with contempt on a man, who could be guilty
 ' of this baseness, who could in the least
 ' decl

* declare that I must be supported, and in the House on the same day desert and revile me, yet I will on every occasion do justice to the minister. He has served the public in all those points, where the good of the nation coincided with his own private views; and in no other. I venerate the memory of the Secretary, and I think it an honour to myself that I steadily supported in Parliament an administration the most successful we ever had, and which carried the glory of the nation to the highest pitch in every part of the world. He found his country almost in despair. He raised the noble spirit of England, and strained every nerve against our enemies. His plans, when in power, were always great, although in direct opposition to the declarations of his whole life, when out of power. The invincible bravery of the British troops gave success even to the most rash, the most extravagant, the most desperate of his projects. He saw early the hostile intentions of Spain, and if the celebrated *written advice*, which he gave, had been followed, a very few weeks had then probably closed the last general war; although the merit of that *advice* was more the merit of his

This declaration was made to George Onslow, esq; son of the late Speaker, and to other gentlemen. A curious letter of Mr. Onslow, dated *Ember-Court, Sept. 21, 1765*, is in the *Briton* of the 15th of July, 1769.

' noble brother, than his own. After the om
 ' nipotence of lord Bute in 1761 had forced
 ' Mr. Pitt to retire from his Majesty's coun
 ' cils, and the cause was declared by himse
 ' to be our conduct relative to Spain, I ha
 ' the happiness of setting that affair in so clea
 ' and advantageous a light, that he expresse
 ' the most entire satisfaction, and particula
 ' obligations to my friendship. I do not how
 ' ever make this a claim of merit to Mr. Pitt
 ' It was my duty, from the peculiar advantag
 ' of information I then had.

' The constitution of our country has n
 ' obligations to him. He has left it with a
 ' it's beauties, and all it's blemishes. He n
 ' ver once appeared in earnest about any que
 ' tion of liberty. He was the cause that
 ' 1764 no point was gained for the public
 ' the two great questions of *General Warrant*
 ' and the *Seizure of Papers*. The cursed
 ' mains of the court of Star Chamber, t
 ' enormous power of the attorney-general, t
 ' sole great judicial officer of the crown, w
 ' is *durante bene placito*, and not upon oar
 ' who tramples on *Grand Juries*, and bre
 ' down the first, the foremost barriers of lib
 ' ty, continued during his administration
 ' same as before. Every grievance, which
 ' not rooted out by the glorious Revoluti
 ' and the later struggles of our patriots,
 ' subsists in full force, notwithstanding the
 ' solute power he exercised for several years

every department of the state——But I have done with lord Chatham. I leave him to the poor consolation of a place, a pension, and a peerage, for which he has sold the confidence of a great nation. Pity shall find, and weep over him.

‘ I am now, my lord, once more driven from the Romans to the gay, the polite * Athenians, but I shall endeavour to convince your grace that I am not totally lost to my country, nor to myself, in this scene of elegant dissipation, and that I do not waste the time in unavailing complaints of my hard fate, and the ingratitude of those, whom I have served with success ; for I shall very soon beg to call the public attention to some points of national importance, and in the mean time I shall embrace this opportunity of doing myself justice against the calumnies, which a restless faction does not cease to propagate.

‘ The affair of the *General Warrant*, and the *Habeas Corpus*, is told very unfaithfully, and

It is remarkable that *France* has generally been chosen as a *asylum* of persecuted merit or genius. One of their best authors says, *De tout tems, les Rois malheureux, et les hommes illustres, ont choisi leur asile en France, parce que de tout tems le François a la réputation d'être un peuple doux, humain et compatissant.* They retired to France, and during the greatest part of his life chose to live there, even under Lewis the Fourteenth, who entirely destroyed the small remains of liberty in that kingdom ; but at last, duped by the insidious promises of the English court, he returned to his native country, and died on a scaffold.

‘ almost

‘ almost every particular relative to my being
‘ made a prisoner, and sent to the Tower on
‘ the 30th of April 1763, has been injuriously
‘ misrepresented in several late publications.
‘ shall therefore state the transactions of that
‘ memorable day, and I appeal to the minutes
‘ taken at the time for the accuracy of this re-
‘ lation.

‘ On my return from the city early the
‘ morning, I met at the end of Great George
‘ street one of the King’s messengers. He told
‘ me that he had a *warrant* to apprehend me
‘ which he must execute immediately, and
‘ must attend him to lord Halifax’s. I desired
‘ to see the *warrant*. He said it was against
‘ the authors, printers, and publishers of the *North*
‘ *Briton*, No. 45, and that his verbal orders
‘ were to arrest *Mr. Wilkes*. I told him the
‘ *warrant* did not respect me. I advised him
‘ to be very civil, and to use no violence in
‘ street, for if he attempted force, I would
‘ him to death in the instant, but if he would
‘ come quietly to my house, I would convince
‘ him of the illegality of the *warrant*, and
‘ injustice of the orders he had received.
‘ chose to accompany me home, and then pre-
‘ sented the *General Warrant*. I declared that
‘ such a *warrant* was absolutely illegal and
‘ in itself, that it was a ridiculous *warrant* against
‘ the whole English nation, and I asked
‘ he should serve it on me rather than on
‘ Lord Chancellor, either of the secretaries

state, lord Bute, or lord Corke, my next door neighbour. The answer was, *I am to arrest Mr. Wilkes.* About an hour afterwards two other messengers arrived, and several of their assistants. They all endeavoured in vain to persuade me to accompany them to lord Halifax's. I had likewise many civil messages from his lordship to desire my attendance. My only answer was, that I had not the honour of visiting his lordship, and this first application was rather rude and ungentlemanlike.

While some of the messengers and their assistants were with me, Mr. Churchill came into the room. I had heard that their verbal orders were likewise to apprehend him, but I suspected they did not know his person, and by presence of mind I had the happiness of saving my friend. As soon as Mr. Churchill entered the room, I accosted him, Good morrow, Mr. Thomson. How does Mrs. Thomson do to-day? Does she dine in the country?" Mr. Churchill thanked me, and she then waited for him, that he only came for a moment to ask me how I did, and most directly took his leave. He went home immediately, secured all his papers, and retired into the country. The messengers could never get intelligence where he was. The following week he came to town, and was present both the days of hearing at the court Common Pleas.

• The

' The whole morning passed in messages be-
 ' tween lord Halifax and me. The business
 ' of the messengers being soon publicly known,
 ' several of my friends came to me on so ex-
 ' traordinary an event. I desired two or three
 ' of them to go to the court of *Common Pleas*,
 ' to make affidavit of my being a prisoner in
 ' my own house under an illegal *warrant*, and
 ' to demand the *Habeas Corpus*. The Chief
 ' Justice gave orders that it should issue imme-
 ' diately.

' A constable came afterwards with several
 ' assistants of the messengers. I repeatedly
 ' insisted on their all leaving me, and declared
 ' I would not suffer any one of them to con-
 ' tinue in the room against my consent, for I
 ' knew and would support the rights of an
 ' Englishman in the sanctuary of his own house.
 ' I was then threatened with immediate vio-
 ' lence, and a regiment of the guards, if neces-
 ' sary. I soon found all resistance would be vain.
 ' The constable demanded my sword, and in-
 ' sisted on my immediately attending the mes-
 ' sengers to lord Halifax's. I replied, that if
 ' they were not assassins, they should first give
 ' me their names in writing. They complied
 ' with this, and thirteen set their hands to the
 ' paper. I then got into my own chair, and
 ' proceeded to lord Halifax's, guarded by the
 ' messengers and their assistants.

' I was conducted into a great apartment
 ' fronting the Park, where lord Halifax and

Lord Egremont, the two secretaries of state, were sitting at a table covered with paper, pens, and ink. The under secretaries stood near their lordships. Mr. Lovel Stanhope, the law-clerk, and Mr. Philip Carteret Webb, the solicitor of the treasury, were the only persons besides who attended. Lord Egremont received me with a supercilious, insolent air; Lord Halifax with great politeness. I was desired to take the chair near their lordships, which I did. Lord Halifax then began, "that he was really concerned that he had been necessitated to proceed in that manner against me, that it was exceedingly to be regretted, that a gentleman of my rank and abilities should engage against the King, and his Majesty's government." I replied, "that his lordship could not be more mistaken, for the King had not a subject more zealously attached to his person and government than myself, that I had all my life been a warm friend of the House of Brunswick and the Protestant succession, that while I made the truest professions of duty to the King, I was equally free to declare in the same moment, that I believed no Prince had ever the misfortune of being served by such ignorant, insolent, and despotic ministers, of which my being there was a fresh, glaring proof, for I was brought before their lordships by force under a *General Warrant*, which named no body, in violation of the laws of my country."

"try,

“ try, and of the privileges of Parliament, that
 “ I begged both their lordships to remember
 “ my present declaration, that on the very first
 “ day of the ensuing session of Parliament,
 “ would stand up in my place and impeach
 “ them, for the outrage they had committed
 “ in my person against the liberties of the
 “ people.” Lord Halifax answered, “ that
 “ nothing had been done, but by the advice
 “ of the best lawyers, and that it was now
 “ his duty to examine me.” He had in his
 “ hand a long list of questions, regularly num-
 “ bered. He began, “ Mr. Wilkes, do you
 “ know * Mr. Kearsey? When did you see
 “ him? &c. &c.” I replied, “ that I sus-
 “ pected there was a vain hope my answer
 “ would tend rather to what his lordship wished
 “ to know, that he seemed to be lost in a dark
 “ and intricate path, and really wanted much
 “ light to guide him through it, but that I
 “ could assure his lordship not a single word
 “ should come from me.” Lord Halifax then
 “ turned to the charge, “ Mr. Wilkes, do
 “ you know Mr. Kearsey? &c. &c.” I said
 “ That this was a curiosity on his lordship’s
 “ part, which however laudable in the second
 “ story, I did not find myself disposed to gratify,
 “ tify, and that at the end of my examination
 “ all the quires of paper on their lordship’s

* The publisher of the North Briton, No. 45.

table should be as milk white as at the beginning." Lord Halifax then "desired to remind me of my being their prisoner, and of their right to examine me." I answered, that I should imagine their lordships' time was too precious to be trifled away in that manner, that they might have seen before I would never say one word they desired to know;" and I added, "Indeed, my lords, I am not made of such slight, flimsy stuff;" when turning to lord Egremont, I said, "Could you employ tortures, I would never utter a word unbecoming my honour, or affecting the sacred confidence of any friend. God has given me firmness and fidelity. You will waste your time most egregiously, my lords." Lord Halifax then "advised me to weigh well the consequences of my conduct, and the advantages to myself of a generous, frank confession." I lamented "the prostitution of the word, *generous*, to what should consider as an act of the utmost treachery, cowardice, and wickedness." His lordship then asked me, "If I chose to be a prisoner in my own house, at the Tower, or in Newgate, for he was disposed to oblige me." I gave his lordship my thanks, and said "I desired to remark, that I never received an obligation, but from a friend, that demanded justice, and my immediate liberty, as an Englishman, who had not offended the laws of his country; that as to the rest,"

"it

" it was beneath my attention, the odious idea
 " of restraint was the same odious idea every
 " where; that I would go where I pleased, and
 " if I was restrained by a superior force, I must
 " yield to the violence, but would never give
 " colour to it by a shameful compromise; that
 " every thing was indifferent to me in comparison
 " of my honour and my liberty: that I
 " made my appeal to the laws, and had already
 " by my friends applied to the *Court of Common
 " Pleas* for the *Habeas Corpus*, which the Chief
 " Justice had actually ordered to be issued, and
 " that I hoped to owe my discharge solely to
 " my innocence, and to the vigour of the laws
 " in a free country." Lord Halifax then told
 " me, " that I should be sent to the * Tower
 " where I should be treated in a manner suitable
 " to my rank, and that he hoped the Ministers
 " had behaved well to me." I acknowledged
 " that they had behaved with great
 " humanity, and even civility to me, notwithstanding
 " the ruffian orders given them by the
 " lordship's colleague." I then again turned
 " to lord Egremont, and said, " Your lordship's
 " verbal orders were to drag me out of
 " my bed at midnight. The first man, who
 " had entered my bed-chamber by force, I should

* Nor stony tower, nor walls of beaten brass,
 Nor airless dungeon, nor strong links of iron,
 Can be retentive to the strength of spirit.

SHAKESPEARE

" h

have laid dead on the spot. Probably I should have fallen in the skirmish with the others. I thank God, not your lordship, that such a scene of blood has been avoided. Your lordship is very ready to issue orders, which you have neither the courage to sign, nor I believe to justify." No reply was made to this. The conversation dropped. Lord Halifax retired into another apartment. Lord Egremont continued sullen and silent about a quarter of an hour. I then made a few remarks on some capital pictures, which were in the room, and his lordship left me alone.

'I was afterwards conducted into another apartment. I found there several of my friends, in argument with the most infamous of all the tools of that administration, Mr. Philip Carteret Webb. He confirmed to me, that I was to be carried to the Tower, and "wished to know if I had any favours to ask." I replied, "that I was used to confer, not to receive, favours, that I was superior to the receiving any, even from his masters, that all I would say to him was, if my valet de chambre was allowed to attend me in the Tower, I should be shaved and have a clean shirt; if he was not, I should have a long beard, and dirty linen." Mr. Webb said, that orders would be given for his admission at the Tower." I complained of the shameful evasion of the *Habeas Corpus*, in sending

Append. VOL. I. K 'me

‘ me to the Tower, though the orders of the
 ‘ Chief justice Pratt were known. Mr. Webb
 ‘ made no reply to this. He came to visit me
 ‘ at the Tower in the beginning of my im-
 ‘ prisonment, when I had not the permission
 ‘ to see any friend. I desired him almost at
 ‘ his first entrance to take his leave; “for
 ‘ I was not allowed to see those I loved,
 ‘ would not see those I despised.”

‘ While I continued in the Tower, I was
 ‘ pressed to offer bail in order to regain my li-
 ‘ berty, and two of the first nobility desired
 ‘ be my securities in the sum of 100,000
 ‘ each. I was exceedingly grateful for the
 ‘ offer, but would not accept it. I observed
 ‘ that neither my health, nor my spirits, were
 ‘ affected, that I would by great temperance
 ‘ and abstinence endeavour to compensate the
 ‘ want of air and exercise, but if my health
 ‘ suffered in a dangerous way, I would then
 ‘ accept such generous offers, for I hoped to
 ‘ live that so noble a cause might be brought
 ‘ to a glorious issue for the liberties of my coun-
 ‘ try. From the beginning of this arduous
 ‘ business, I would not on any occasion give
 ‘ bail, by which I never involved any friend
 ‘ and remained the perfect master of my own
 ‘ conduct.

‘ I shall now, my lord, proceed to do my
 ‘ self justice against a calumny of Sir John
 ‘ Cust, a person of the meanest natural parts
 ‘ and infinitely beneath all regard, except for

the office he bears, with the utmost discredit to himself, with equal disgrace and insufficiency to the public. I find in the twentieth volume of the Journals of the House of Commons, just published, page 721. "Jovis 19^o die Januarii, 1764, Mr. Speaker acquainted the House, that he, upon Tuesday last, received a letter by the general post from Mr. Wilkes, dated Paris the 11th instant, inclosing a paper in the French language, purporting to be a certificate of one of the French King's physicians, and of a surgeon of the said King's army, relating to the state of Mr. Wilkes's health, subscribed with two names, but not authenticated before a notary public, nor the signature thereof verified in any manner whatsoever." Then follow the *letter* and *certificate*. The insinuation too plain to be overlooked, too false to be forgiven. The signature was verified by my letter. It is certain that the certificate was in all the *usual* forms, yet though the affair was determined with respect to me, and I was decently expelled the *House of Commons* on the same day, without any time being allowed for other proof, a regard to truth, and my own honour, made me give the most compleat answer to this wretched subterfuge of the abandoned *Majority*. I sent a second certificate in the *unusual* form they had prescribed themselves, attested by two notaries, and confirmed by the English ambassador. I wrote

' likewise again to the Speaker on the 5th of
 ' February following, but neither the second
 ' letter, certificate, or attestation, is to be found
 ' in the Journals, as they ought in justice to
 ' my character. I have, however, my lord,
 ' taken care that they should be published, for
 ' in a free government like our's, I will en-
 ' deavour through my life to emulate the spirit
 ' of antient Rome, *provoco ad populum*; and
 ' while the people do not condemn me, I may
 ' perhaps in this, I shall most certainly in every
 ' succeeding age, rise superior to any party or
 ' bal, or court faction. This step covered my
 ' enemies with confusion, but was of no farther
 ' ther service to me. The party war against me
 ' ceased of course in the *House of Commons*, but
 ' flamed with equal fury in *Westminster Hall*
 ' and was attended with every circumstance of
 ' revenge and cruelty, which the ingenious
 ' of a Mansfield could devise to gratify the malice
 ' lice of a bad heart.

' In the same volume of the Journals, page
 ' 723, I find that I am voted *guilty of WRITING*
 ' *and PUBLISHING the paper intituled, "The*
 ' *North Briton, No. 45,"* and that several
 ' witnesses were examined as to those two facts.
 ' There is not however in the Journals a single
 ' word of the evidence they gave, and it is well
 ' known that not one of them did, or could
 ' say any thing relative to the *authorship*. The
 ' evidence of the *publication* was exceedingly
 ' slight, but the willingness of the judges to

ample amends for the deficiency of the witnesses, who were not upon oath. The administration did not chuse to risk either of these charges against me even in the court of King's Bench, and I was only tried for a *re-publication*. I will never blush at the imputation of being the *author* of that paper, because I know that truth is respected in every line. One circumstance will soon fully appear to the indignant public. I mean the large * debt on the Civil List, contracted chiefly by the scandalous purchase of a parliamentary approbation of the late ignominious *peace*, the arbitrary *Excise*, and other ruinous measures of the Scottish minister. But I leave the affair of the Civil List to a future exact discussion.

* The last calumny, my lord, which I shall disprove, respects the actions at law against Lord Halifax. It is said that I have neglected, or purposely discontinued them, since my exile. The imputation is totally groundless. I was so ill at Paris in the beginning of the year 1764, that it was impossible for me then to return to England alive, but I gave the most express orders that the law proceedings should be carried on with vigour, and in fact

Above half a million was voted on this account in March 1769, and a direct refusal made to inquire into the causes of the Civil List debt.

' there was not a moment's delay. When
 ' wound began to heal in the spring, I was dis-
 ' suaded by all my friends from returning to
 ' country, where the same administration, which
 ' had illegally seized my person, plundered my
 ' house, corrupted the fidelity of my servants
 ' and by the wicked arts of an arbitrary judge
 ' who caused the *records to be falsified*, had just
 ' obtained two verdicts against me, were still
 ' in full power. I yielded to these reasons
 ' because * *propter eorum scelus, nihil mihi inter-*
 ' *meos parietes tutum, nihil insidiis, vacuum esse*
 ' *derem*. Lord Halifax for near two years avail-
 ' himself of every advantage, which privilege
 ' and the chicane of law could furnish. I
 ' never entered any appearance to a court
 ' of justice, and the Common Pleas had, as
 ' as they could, punished such an open con-
 ' tempt, such a daring proof that adminis-
 ' tration would not submit to the *law of the land*
 ' and had endeavoured to compel his lordship

* These words the great Roman orator uses concerning
 his own unfortunate condition. After his return to England,
 Wilkes might have applied to himself the rest of the passage
*in reditu meo nibilo meliores res domesticas, quàm rempublicam
 dissem—novarum me necessitudinum fidelitate contra veterum
 patriam muniendum putavi*. The experience of every man,
 who has drunk deep of the bitter cup of adversity, has been, I
 believe, much the same in all ages. The treachery of the great
 and the baseness of the degenerate herd of selfish and interested
 friends, fill most of our books. The world has never been without
 the *Clodius* and the *Grafton*, no more than the serpent and the
 viper.

to appear. Towards the end of 1764 I was *outlawed* *. The proceedings continued against his lordship till that hour. He then appeared, and his single plea was, that as an *outlaw*, I could not hold any action. No other defence was made against the heinous charge of having in my person violated the rights of the people.

‘ I felt this, my lord, as the most cruel stroke, which fortune had given me. Justice had at length overtaken many of the inferior criminals, but my *outlawry* prevented my punishing the great, the capital offender, when after all his subterfuges he was almost within my reach. I please myself however with the reflexion, that no minister has since dared to issue a *General Warrant*, nor to sign an order for the *Seizure of Papers*. In the one the personal liberty of every subject is immediately concerned. On the other may depend not only his own safety and property, but what will come still more home to a man of honour, the security, the happiness of those, with whom he is most intimately connected, their fortunes, their future views,

This *outlawry* was not declared illegal till June 1768. When Mr. Wilkes received abroad the news of his being *outlawed*, he was not dejected, but gave immediate orders to attempt the reversal of all the proceedings, and concluded in the words of Tully, *Perficiam profectò, ut me non modò non segregant, cum sim civis, à numero civium, verum etiam si non essem, participandum fuisse.*

‘ perhaps secrets, the discovery of which would
 ‘ drive the coldest stoic to despair, their very
 ‘ existence possibly, all that is important in the
 ‘ public walk of life, all that is dear and fa-
 ‘ cred in friendship and in love. I was the
 ‘ *last* oppressed, but I was the *first* man, who
 ‘ had the courage to carry through a just re-
 ‘ sistance to these acts of despotism. The opi-
 ‘ nions of our sovereign courts of justice are
 ‘ now known and established. I rejoice that
 ‘ several others, who suffered * before me
 ‘ have made their appeal to the laws, and ob-
 ‘ tained redress. I hope the iron rod of mi-
 ‘ nisterial oppression is at length broken, and
 ‘ that I am the last victim of violence and cru-
 ‘ elty. I shall not then regret all the sacrifice
 ‘ I have made, and my mind shall feast itself
 ‘ with the recollection in the unjust exile I am
 ‘ doomed to suffer from my friends and my na-
 ‘ tive land.

‘ I will now, my lord, only add, however
 ‘ unfashionable such a declaration may be, that
 ‘ consistency shall never depart from my cha-
 ‘ racter, that to the last moment I will pro-
 ‘ serve the same fixed and unconquerable ha-
 ‘ tred to the enemies of our happy island, the
 ‘ same warm attachment to the friends and the

* The reverend Mr. John Entick, Mr. Arthur Beardmore
 and others, were apprehended on account of the Monitor
 1762, but did not bring their actions against the Secretaries of
 State, or the Messengers, till 1764.

cause of liberty, that I keep a steady and a longing eye on England, that my endeavours for the good and service of my country by every method left me, shall have a period only with my life, and that although I do not mean to lay any future claim to your grace's favour, I will take care to secure your esteem.

‘ I am, my lord,

‘ Your grace's most obedient,

‘ and very humble servant,

‘ JOHN WILKES.’

“ *Gratias tibi, Deus optume, maxume, cujus nutu et imperio nata est et aucta res Anglicana, lubens lætusque ago, libertate publicâ in hanc diem et horam, per manus, quod voluisti, meas, servatâ, eandem et in æternum serva, fove, protege propitiate, supplex oro.*”

Mr. Wilkes having continued in exile from Christmas 1763, to March 1768, (upwards of five years) returns to his native country.

The first step was to obtain a pardon, and without any solicitations to the minister, whom he was taught now to regard as his bitterest enemy, he immediately addressed the following letter, filled with professions of the utmost duty and respect, to his Sovereign, though without any success :

‘ To

‘ To his Most Sacred Majesty King
‘ G E O R G E.

‘ S I R E,

‘ I beg thus to throw myself at your Ma-
‘ jesty’s feet, and supplicate the mercy and
‘ clemency which shine with such lustre among
‘ your princely virtues.

‘ Some former Ministers, whom your Ma-
‘ jesty, in condescension to the wishes of your
‘ people, thought proper to remove, employed
‘ every wicked and deceitful act to oppress your
‘ subject, and to avenge their own personal
‘ cause on him, whom they imagined to be the
‘ principal author of bringing to public view
‘ their ignorance, insufficiency, and treachery
‘ to your Majesty and the nation.

‘ I have been the innocent and unhappy
‘ victim of revenge. I was forced by their in-
‘ justice and violence into exile, which I have
‘ never ceased to consider, for many years, as
‘ the most cruel oppression; because I could
‘ no longer be under the benign influence
‘ of your Majesty in the land of liberty.

‘ With a heart full of zeal for the service
‘ of your Majesty and my country, I implore
‘ Sire, your clemency. My only hopes of pa-
‘ don are founded in the great goodness and be-
‘ nevolence of your Majesty; and every day
‘ freedom you may be graciously pleased to per-

mit me the enjoyment of, in my dear native land, shall give proofs of my zeal and attachment to your service.

‘ March 4, 1768.

‘ JOHN WILKES.’

On the 11th of March, to the astonishment every one, appeared in all the morning papers, the following spirited address to the livery of London; this was a push which required the art and power of the ministry to parry, and had there been time for that influence, which now began to spread amongst all ranks of people, it is thought the attempt would have been crowned with success.

To the worthy liverymen of the city of London.

‘ Gentlemen, and Fellow Citizens,

In deference to the opinion of some very respectable friends, I presume to offer myself a candidate for my native city of LONDON, at the ensuing general election. The approbation you have been pleased on several occasions to express of my conduct, induces me to hope that the Address I have now the honour of making to you will not be unfavourably received.

‘ The

' The chief merit, with you, Gentlemen
 ' I know to be a sacred love of liberty, and
 ' of those generous principles, which at first
 ' gave, and have since secured this nation, the
 ' Great Charter of Freedom. I will yield to
 ' none of my countrymen in this noble zeal
 ' which has always characterised Englishmen
 ' I may appeal to my whole conduct, both in
 ' and out of Parliament, for the demonstration
 ' that such principles are deeply rooted in my
 ' heart, and that I have steadily pursued the in-
 ' terests of my country, without regard to the
 ' powerful enemies I created, or the manifold
 ' dangers in which I must thence necessarily be
 ' involved, and that I have fulfilled the duties
 ' of a good subject.

' The two important questions of public
 ' Liberty, respecting General Warrants and
 ' Seizure of Papers, may perhaps place me
 ' among those who have deserved well of man-
 ' kind, by an undaunted firmness, perseverance
 ' and probity : these are the virtues which your
 ' ancestors never failed to exert in the same na-
 ' tional cause of Liberty, and the world will be
 ' renewed in their descendants on every great
 ' call of freedom and our country.

' The nature and dignity of the trust, gentlemen,
 ' men, which I now solicit, strike me very for-
 ' cibly. I feel the warmest zeal for your in-
 ' terests, and affection for your service. I am
 ' conscious how unequal my abilities are ; yet
 ' fidelity and integrity shall in some measure
 ' com-

compensate that deficiency, and I will endeavour through life, to merit the continuance of your approbation, the most precious reward to which I aspire. If I am honoured with so near a relation to you, it will be my ambition to dedicate myself to your service, and to discharge with spirit and assiduity, the various and important duties of the distinguished station in which I may be placed, by the favour of you, Gentlemen, the Livery of LONDON.

‘ I am, with the utmost respect,

‘ G E N T L E M E N,

‘ Your most faithful and obedient

‘ Humble servant,

London,

March 10, 1768.

‘ JOHN WILKES.’

On the 16th of March the election for the of London came on at Guildhall, when a majority of hands was declared to be for the most honourable the lord mayor, Sir Robert Broke, William Beckford, esq; and John Wilkes, esq; the sheriffs being at first doubtful, whether the lord mayor, Sir Richard Glyn, or Barlow Trecothick, esq; or John Paterfon, esq; the greatest shew of hands, those four were put up again; when the majority appeared to be in favour of the lord mayor; but a poll was demanded for Sir Richard Glyn, Barlow Trecothick, esq; and John Paterfon, esq; all the candidates

didates appeared on the hustings. Previous to the nomination, Mr. Wilkes made the following speech to the livery :

‘ Gentlemen,

‘ I am happy to find myself once more
‘ amongst the friends and patrons of Liberty
‘ This day makes me glorious amends for the
‘ rigor of a long unmerited exile ; in which
‘ the only consolation remaining to me was
‘ that from my sufferings you had an uninterrupted
‘ enjoyment of your most invaluable
‘ rights and privileges : since the exertion
‘ my firmness in an important moment, no minister
‘ has once dared to issue a *general warrant*
‘ against your persons, or to sign an order for
‘ the *seizure* of your papers ; and I trust that
‘ such despotism will never be again exercised
‘ over the free subjects of this country.

‘ I stand here, gentlemen, a private man
‘ unconnected with the great, and unsupported
‘ by any party. I have no support but you
‘ wish no other support : I can have none more
‘ certain, none more honourable. If I have
‘ the happiness, gentlemen, of being returned
‘ to parliament by your favour, I shall be ready
‘ to pay the greatest deference to the sentiments
‘ of my constituents on every occasion, and
‘ shall dedicate myself to their service, by promoting
‘ to the utmost of my abilities the trade
‘ and commerce of this great metropolis,
‘ which alone it can maintain the first rank

now enjoys, and I hope, with its liberties, will ever enjoy.'

Mr. Wilkes waited on the chamberlain, at house, on the evening before the election, took up his freedom of the city, and livery the joiners company : and the next morning at nine o'clock went to Guildhall, and was in the council chamber some time ; from whence he proceeded, with the rest of the candidates, to the hustings, and was received by the people with loud acclamations, which were repeated soon as he had ended his Address to the livery, on his being returned one of the representatives.

There was as full a hall as ever known upon like occasion.

After the declaration of the sheriffs, that the plurality of hands had evidently appeared for Sir Robert Ladbroke, William Beckford, esq; and John Wilkes, esq; and upon the second holding up of hands, to determine which of the three candidates had likewise a majority, it was accordingly declared in favour of the lord mayor. Robert Ladbroke, the lord mayor, and Mr. Beckford, consulted together ; Sir Robert Ladbroke and Mr. Beckford were of opinion, that an address should be made to the livery, as directed, by the four candidates, so nominated and returned to the hall. This was refused by the lord mayor.—Query, was the reason of this refusal, his having burnt his own fingers, as well

160 *State of the Poll each Day at Guildhall.*

well as the North Briton, No. 45, or the influence of his ministerial contract for the clothing several regiments?

The following is the state of the poll each day.

	Wed.	Th.	Frid.	Sat.	Mon.	Tu.	Wed.	Th.
Harley -	64	562	890	566	660	591	396	37
Ladbroke -	81	563	796	565	647	583	443	36
Beckford -	59	449	753	482	614	583	462	34
Trecothick	60	446	628	438	478	514	393	29
Glyn - -	57	429	611	391	534	435	366	28
Paterfon -	59	324	400	274	299	244	189	17
Wilkes -	26	143	253	154	257	213	198	12

At the conclusion, which was on Wednesday March 23, Mr. Wilkes addressed the list as follows:

- ‘ Gentlemen and Fellow-Citizens,
- ‘ The poll being finished, I return my
- ‘ sincere thanks to those disinterested and
- ‘ independent friends, who have steadily and
- ‘ courageously stood forth in my favour. The
- ‘ prospect of success, out of our power to command
- ‘ has not in the least abated my zeal for
- ‘ service. You cannot be unacquainted
- ‘ with the various circumstances which have con-
- ‘ tributed to it. My friends were of opinion
- ‘ I should wait the dissolution of the last

and venal parliament, while the other candidates had been for many months soliciting your interest. Ministerial influence, assisted by private malice, has been exerted in the most arbitrary and unconstitutional manner, and by means of the basest chicanery and oppression.

But though disappointed, I am not in the least dispirited: on the contrary, I reflect with pride and gratitude on the many instances of regard and affection I have received from the livery of London.

I beg leave to make my best acknowledgments to the sheriffs, who have shewn the utmost candour and impartiality during the election, accompanied with a dignity of character becoming their station in this great metropolis.

And now, gentlemen, permit me to address you as friends to liberty, and freeholders of the county of Middlesex; declaring my intention of appearing as a candidate to represent you in Parliament, and still hoping, by your means, to have the honour of being useful to you in the British senate.

Gentlemen of the livery, I recommend it to you in the strongest manner, to exert yourselves to preserve the peace and quiet of this great city.

Next day the following advertisement appeared:

Append. Vol. I.

L

To

‘ *To the worthy liverymen of the city of
London.*

‘ Gentlemen and brother-liverymen,
‘ The honour done me by the nomination
‘ of the common-hall, though ineffectual, from
‘ the oppressive means made use of during the
‘ poll, calls for my sincerest and warmest acknowledgments. I am sensible that I had the
‘ hearts of many, who could not give me their
‘ hands, but I trust from the spirited conduct
‘ of those liverymen whose votes were engaged
‘ before my intention was known, that I shall
‘ be honoured on any future occasion with both
‘ the heart and hand of every friend of liberty
‘ and our country.

‘ I am,

‘ With the sincerest attachment,

‘ GENTLEMEN,

‘ Your most obliged

‘ humble servant,

Wednesday night,
March 23.

‘ JOHN WILKES

A Letter from Mr. Wilkes to Mr. Nuthall. 163

On the last day but one of the poll for the city, Mr. Wilkes sent the following letter to Mr. Nuthall, Solicitor of the Treasury.

‘ London, March 22, 1768.

‘ S I R,

‘ I take the liberty of acquainting you, that in the beginning of the ensuing term I shall present myself to the court of King’s Bench. I pledge my honour as a gentleman, that on the very first day I will there make my personal appearance.

‘ I am, Sir,

‘ Your most humble servant,

‘ JOHN WILKES.’

The day after the poll for the city of London was closed, appeared the following address.

To the gentlemen, clergy, and freeholders of the county of Middlesex.

‘ Gentlemen,

Having ever gloriously distinguished yourselves as Englishmen, by preventing the encroachments of arbitrary power, despising ministerial influence, and maintaining the rights and privileges of free-born subjects in a land

‘ of liberty, I beg leave to offer myself a can-
 ‘ didate to represent you in the ensuing parlia-
 ‘ ment, and to give you the strongest assurance
 ‘ that I shall, on this and every other occasion
 ‘ exert that inflexible steadiness and undaunted
 ‘ perseverance, in the best of causes, which
 ‘ trust have hitherto recommended my conduct
 ‘ and will ever constitute the most essential part
 ‘ of my character.

‘ I am, Gentlemen,
 ‘ With the truest esteem and regard,
 ‘ Your most devoted,
 ‘ and most obedient humble servant

Wednesday night, ‘ JOHN WILKES
 March 23.

On Monday, March the 28th, the election
 came on at Brentford. Mr. Wilkes went
 privately thither on the preceding evening, and
 nine o'clock next morning appeared on the
 steps, which were erected in the middle of
 place called Brentford Butts. The first
 came about ten o'clock, but the other can-
 didates, Sir William Beauchamp Proctor,
 George Cooke, esq; did not appear till
 one.

The freeholders were frequently impatient
 calling out for the poll; and Mr. Wilkes
 often addressed himself to the public, requesting
 their patience until the appearance of all the
 candidates.

Conduct of the Candidates and Sheriffs. 165

candidates. The poll-books were opened half
 past one, from which time the books were fully
 employed until near five o'clock, when the free-
 holders slackened : and at half an hour after
 five, no freeholders offering to poll, it was pro-
 posed to close the books at six o'clock ; at the
 same time the sheriffs sent to Mr. Cooke, at a
 house contiguous, for his concurrence ; no an-
 swer being received, four other messages were
 sent, one after another, without any answer,
 until past seven o'clock, when the sheriffs were
 informed Mr. Cooke was gone for London.
 The sheriffs then went round to every book,
 and finding no person polling, made a procla-
 mation for freeholders to come and poll, or that
 the books would be closed. After waiting
 some time, and three several proclamations,
 without any freeholders appearing to poll, the
 books were sealed up, when the sheriffs ad-
 journed until Tuesday morning at nine o'clock,
 to cast up the books, and make their return ;
 when the numbers were,

Mr. Wilkes,	-	-	-	-	-	1292
Mr. Cooke,	-	-	-	-	-	827
William Beauchamp Proctor	-	-	-	-	-	807

when the two former were declared duly elected.

The croud was greater than ever known on
 like occasion, yet the whole poll was con-
 ducted with the greatest regularity and order ;

164 *Mr. Wilkes's Address to the Freeholders, &c.*

‘ of liberty, I beg leave to offer myself a candidate to represent you in the ensuing parliament, and to give you the strongest assurance that I shall, on this and every other occasion exert that inflexible steadiness and undaunted perseverance, in the best of causes, which I trust have hitherto recommended my conduct and will ever constitute the most essential part of my character.

‘ I am, Gentlemen,

‘ With the truest esteem and regard,

‘ Your most devoted,

‘ and most obedient humble servant

Wednesday night, ‘ JOHN WILKES
March 23.

On Monday, March the 28th, the election came on at Brentford. Mr. Wilkes went privately thither on the preceding evening, and at nine o'clock next morning appeared on the hustings, which were erected in the middle of a place called Brentford Butts. The sheriffs came about ten o'clock, but the other candidates, Sir William Beauchamp Proctor, George Cooke, esq; did not appear till the next day.

The freeholders were frequently impatiently calling out for the poll; and Mr. Wilkes often addressed himself to the public, requesting their patience until the appearance of all the candidates.

Conduēt of the Candidates and Sheriffs. 165

candidates. The poll-books were opened half past one, from which time the books were fully employed until near five o'clock, when the freeholders slackened: and at half an hour after five, no freeholders offering to poll, it was proposed to close the books at six o'clock; at the same time the sheriffs sent to Mr. Cooke, at a house contiguous, for his concurrence; no answer being received, four other messages were sent, one after another, without any answer, until past seven o'clock, when the sheriffs were informed Mr. Cooke was gone for London. The sheriffs then went round to every book, and finding no person polling, made a proclamation for freeholders to come and poll, or that the books would be closed. After waiting some time, and three several proclamations, without any freeholders appearing to poll, the books were sealed up, when the sheriffs returned until Tuesday morning at nine o'clock, and cast up the books, and make their return; when the numbers were,

Mr. Wilkes,	-	-	-	-	-	1292
Mr. Cooke,	-	-	-	-	-	827
Mr. William Beauchamp Proctor	-	-	-	-	-	807

when the two former were declared duly elected.

The croud was greater than ever known on the like occasion, yet the whole poll was conducted with the greatest regularity and order; there

there was not the least insult or violence offered to any of the electors that polled for either party; and it is very remarkable, that, during the time of polling, not one freholder present was in the least intoxicated with liquor.

The town of Brentford was immediately illuminated: and the people, on their return that evening to London, obliged the inhabitants of London and Westminster to illuminate also.

It being late in the evening, and most of the families retired to bed, several irregularities were committed by the mob, such as breaking windows, &c. where candles were not immediately lighted, particularly at the earl of Bute's the Mansion-house, &c. however, the next evening, the 29th, there was a general illumination throughout London and Westminster.

The following is Mr. Wilkes's address of thanks on being elected and declared a member for the county of Middlesex.

To the gentlemen, clergy, and freeholders of the county of Middlesex.

‘ Gentlemen,

‘ Most gratefully sensible of those generous and patriotic principles which have induced you to elect me your representative in parliament, I intreat you to accept of my endeavours to express the joy which inspi-

me on so interesting, so affecting an occasion. The personal regard you have shewn me, indeed, confers on me an obligation, the due sense of which I too cordially feel to find words to describe. I cannot, however, forbear congratulating you, as the most distinguished of Englishmen, on the honourable proof you have given, that the genuine spirit of independency, the true love of our country (for which the county of Middlesex has, for ages, been so eminently conspicuous) still glow in your breasts with unremitting ardour, still shine forth with undiminished lustre. Let them call their PUSILLANIMITY prudence, while they ignominiously kiss the rod of power, and tamely stoop to the yoke, which artful ministers insidiously prepare, and arbitrarily impose. You, Gentlemen, have shewn, that you are neither to be deceived nor enslaved.

‘ In proving yourselves enemies to ministerial persecution, the eyes of the whole kingdom, of the whole world, are upon you, as the first and firmest defenders of public liberty. Happy shall I think myself, if, fired by your example, the efforts of my warmest zeal may be deemed an adequate return for the favours you have bestowed on me; but however inefficient my abilities, my will to serve you is unbounded as it is unalterable. Engaged as I have long been in the glorious cause of freedom, I beg you to consider my past conduct as an earnest of the future, and to look

' on me as a man, whose primary views will
 ' ever regard the rights and privileges of his
 ' fellow countrymen in general, and whose se-
 ' condary views shall be attentively fixed on the
 ' dignity, advantage, and prosperity of the coun-
 ' ty of Middlesex. Let me therefore desire of
 ' you, gentlemen, to favour me from time to
 ' time, with such instructions as may best en-
 ' able me to accomplish those ends; resting
 ' assured of always finding me devoted to your
 ' service, and that the happiest moments of
 ' my life will be those in which I am employ-
 ' ed in maintaining the civil and religious rights
 ' of Englishmen, and in promoting the interest
 ' of my constituents,

' I am, with the truest respect,
 ' Gentlemen, your obliged,

' and faithful humble servant,

' Tuesday,
 ' March 29.

' JOHN WILKES

Among the many cruel and oppressive mea-
 sures of this administration against Mr. Wilkes,
 the following ought to be noticed. When
 Wilkes dined with his friends, on the 10th
 April last, at the King's Arms Tavern,
 Cornhill, he was served, in the midst of the
 repast, by an agent of the secretary of the Treasury,
 with an exchequer writ and bill of discovery
 upon information, consisting of many sheets

per, in order to discover and seize all his effects under the *outlawry*, as being forfeited to the crown, although the *writs of error* in the case of the *outlawry* had been actually allowed. The *outlawry* has since been declared illegal from the beginning. *Query*, If the Treasury had succeeded in their attempt of seizing the effects of Mr. Wilkes, under that *illegal outlawry*, would it not have been a downright robbery?

consequence of the promise contained in the letter to Mr. Nuthall, Mr. Wilkes appeared before the Court of King's Bench, on the 20th of April 1768, the first day of Term, and there delivered the following Speech.

‘ My Lords,
According to the voluntary promise I made to the public, I now appear before this sovereign court of justice, to submit myself in every thing to the laws of my country.

Two verdicts have been found against me. One is for the re-publication of the North Briton, No. 45, the other for the publication of a ludicrous poem.

As to the re-publication of that number of the North Briton, I cannot yet see that there is the smallest degree of guilt. I have often read and examined with care that famous paper, I know that it is in every part founded
‘ on

' on the strongest evidence of facts. I find it full
 ' of duty and respect to the person of the King,
 ' although it arraigns, in the severest manner,
 ' the conduct of his Majesty's then ministers
 ' and brings very heavy charges home to them.
 ' I am persuaded they were well grounded
 ' because every one of those ministers has since
 ' been removed. No one instance of falsehood
 ' has yet been pointed out in that pretended
 ' libel, nor was the word *false* in the information
 ' before this court. I am therefore perfectly
 ' easily under every imputation respecting
 ' a paper, in which truth has guided the pen
 ' of the writer, whoever he was, in every single
 ' line, and it is this circumstance which is
 ' drawn on me, as the supposed author, and
 ' the cruelties of ministerial vengeance.

' As to the other charge against me for
 ' publication of a poem, which has given
 ' offence, I will assert, that such an idea never
 ' entered my mind. I blush again at the recollection
 ' that it has been at any time, and in
 ' any way, brought to the public eye,
 ' drawn from the obscurity in which it
 ' remained under my roof. Twelve copies
 ' of a small part of it had been printed in my
 ' house at my own private press. I had
 ' fully locked them up, and I never gave one
 ' to the most intimate friend. Government,
 ' in the affair of the North Briton, bribed
 ' my servants to rob me of the copy, which
 ' was produced in the House of Peers.
 ' after

afterwards before this honourable court. The nation was justly offended, but not with me, for it was evident that I had not been guilty of the least offence to the public. I pray God to forgive, as I do, the jury, who have found me guilty of publishing a poem I concealed with care, and which is not even yet published, if any precise meaning can be affixed to any word in our language.

But, my lords, neither of the two verdicts could have been found against me, if the records had not been materially altered without my consent, and, as I am informed, contrary to law. On the evening only before the two trials, lord chief justice Mansfield caused the records to be altered at his own house, against the consent of my solicitor, and without my knowledge; for a dangerous illness, arising from an affair of honour, detained me at that time abroad *. The alterations were
‘ of

The fact respecting the alteration of the record in the case of the North Briton is stated in the following manner in *History of the Minority*, page 265. “ When this cause stood for trial, Francis Barlow of the crown-office received directions from Mr. Wallace or Mr. Webb, to apply to a judge for the information against Mr. Wilkes amended, by striking out the word “ *purport*,” and inserting in its stead, the “ *tenor*.” Upon which Barlow applied to lord Mansfield, obtained a summons to shew cause why it should not be amended; and Mr. Phillips, Mr. Wilkes’s solicitor, attended lord Mansfield, at his house in Bloomsbury square, on Monday the 20th of February 1764, (which was the day before Mr. Wilkes’s

' of the utmost importance, and I was in conse-
 ' quence tried the very next day on two new
 ' charges, of which I could know nothing
 ' I will venture to declare this proceeding un-
 ' constitutional. I am advised that it is illegal
 ' and that it renders both the verdicts absolute-
 ' void.

' I have stood forth, my lords, in support
 ' of the laws against the arbitrary acts of mi-
 ' nisters. This court of justice, in a solemn as-
 ' seembly respecting *General Warrants*, shewed the
 ' sense of my conduct. I shall continue to
 ' reverence the wise and mild system of English
 ' laws, and this excellent constitution. I have
 ' been much misrepresented; but under every
 ' species of persecution, I will remain firm and
 ' friendly to the monarchy, dutiful and affec-
 ' tionate to the illustrious Prince who wears
 ' crown, and to the whole Brunswick line.

' As to all nice, intricate points of law
 ' am sensible how narrow and circumscrib-

Wilkes's trial) in consequence of that summons. Lord Mansfield asked him, what objections he had to such an amendment he answered, that he could not consent: upon which lord Mansfield said, he did not ask his consent: but wanted to know what were his objections; and asked, if it was not usual to amend informations, or to that effect. Then having read some precedents, out of a book which his lordship had in his hand, he made a written order to amend the said information in the manner applied for."

For a particular account of the transaction, see the evidence &c. delivered in at the bar of the House of Commons, printed in the 113th number of the North Briton.

my ideas are ; but I have experienced the deep knowledge, and great abilities of my counsel. With them I rest the legal part of my defence, submitting every point to the judgment of this honourable court, and to the laws of England.'

When Mr. Wilkes had finished his speech, Mr. Attorney-general moved for his immediate commitment on the outlawry. He was answered by Mr. Serjeant Glynn, Mr. Recorder of London, Mr. Mansfield, and Mr. Davenport, successively, who all moved the court for writ of error, which Mr. Attorney-general, being applied to last Saturday, had refused to grant. They specified several particulars which the process of outlawry was erroneous, as sufficient grounds for the motion, and offered to give any bail for Mr. Wilkes's appearance. The court then proceeded to give their opinions *seriatim*. Lord Mansfield spoke long and forcibly on the impropriety of the procedure on both sides ; observing that the Attorney-general could not, with the least appearance of reason or law, move for the commitment of a person who was not *legally* in court ; that he had the counsel for the defendant any better than for their motion in favour of a man who appeared *gratis* before them : he added, that had Mr. Wilkes been brought thither by a writ of *habeas utlegatum*, the motion might then have been made with propriety, and the court might then

then have exerted, had they pleased, their discretionary power in accepting or refusing his bail. His lordship further expressed himself very happy in having an opportunity of explaining his sentiments publicly, before so large an audience, with regard to the charge brought against him by Mr. Wilkes, of granting an order for the amendment in the information against him in substituting the word *tenor* instead of *purport* declaring repeatedly, that he thought himself bound in duty to grant it; that he conceived it to be the uniform practice of all the judges to grant such amendments; that he had himself frequently repeated the same practice in other causes, without the least objection being ever offered against it. The rest of the judges agreed with the Chief Justice in opinion, that as Mr. Wilkes was not legally before the court, no proceedings could be had upon his case; Mr. Justice Willes particularly remarking, "that the officers of the crown had no right to thrust upon that court the business of committing Mr. Wilkes upon his *gratis* appearance, out of the common course of law, when they might have brought him before it legally by a writ of *habeas corpus*, which it would have been very easy to execute, since he had notoriously appeared in public for several weeks past; and in that case, the Attorney-general might have made his motion with propriety."

It ought not to pass unnoticed, that Mr. Reynolds, Mr. Wilkes's solicitor, applied to the Attorney

Attorney-general for his *fiat* to obtain a writ of error against Mr. Wilkes's outlawry; which the Attorney at first promised to grant, but afterwards refused;—upon what pretence, or by what order, has not transpired.

Westminster-hall, and all the places near it, were very full of people of all ranks who assembled in great crowds; but behaved in a very peaceable and orderly manner. Not the least insurrection, or insult was offered to any; though a middle tale was artfully and industriously propagated during several of the preceding days, that the spies and other runners of the ministry, at great riots and tumults would certainly appear. This report, and that was all the reason that can be assigned, induced the magistrates of Middlesex, Westminster, &c. to order all the constables to patrol the streets; and the ministry not chusing to be behind-hand in countenancing that false rumour, (though they, and their friends, were the first and only inventors of it) directed the whole military force in and about London and Westminster, to be in readiness on that day. Two battalions of the Guards were kept under arms in St. James's Park, others were ready in St. George's Fields, and those at St. James's, the Savoy, Tower, &c. had the proper orders in case they should be wanted, with several troops of horse. And it has been asserted, that the men were furnished with sixteen rounds of ammunition.—The appearance of the court, and the disposition of the

176 *Mr. Wilkes committed to the Custody of*

the Favourite, are now so obvious and well known, as to render any comment unnecessary on this very extraordinary and most alarming military preparation.

On the 27th at noon, Mr. Wilkes sent the sheriff's officer, Mr. Hill, to desire him to come to his lodgings and execute the *Capias* *ut legatum*, which had been issued: Mr. Hill accordingly attended, and served the *capias* on Mr. Wilkes; soon after, Mr. Wilkes went with very respectable bail to the court of King's Bench, where the cause was long argued by the counsel. Writs of error were now, after a week's delay, admitted by the Attorney-general, and ordered by the court. Mr. Wilkes's counsel insisted on his being admitted to bail, which they offered unexceptionable, and for any amount. The court acknowledged that they had a discretionary power to admit him to bail, with the consent of the prosecutor. The Attorney-general, as prosecutor for the crown, refused that consent, and Mr. Wilkes was committed to the custody of the marshal of King's Bench prison. Mr. Wilkes then allowed the marshal into a private room, from whence he attended him and his two assistants to a hackney coach to be conveyed to prison. The Rev. Mr. Horne only was permitted to go with Mr. Wilkes. Soon after the coach drove off the people ran together, and on Westminster-bridge took the horses off, turned the coach round, and then drew it themselves through

rough the city, to the Three-tuns in Spital-
lds. Mr. Wilkes often desired them to de-
part quietly, but in vain, and they forced out
the coach the marshal and his two assistants,
leaving only Mr. Horne with Mr. Wilkes. In
their way through the city, they frequently
sought Mr. Wilkes where he chose to go. He
answered, To the King's Bench prison, where
the laws of his country sent him. Afterwards,
at the request of the Marshal, he desired them
to stop at the Devil-tavern, Temple-bar; but
they would not comply. As soon as Mr. Wilkes
came to the Three-tuns in Spitalfields, he again
told the people to disperse; and, as soon as
he could, left the house privately, by a back
way, disguised, and came voluntarily and sur-
rendered himself to the prison of the King's
Bench.

A letter from Mr. Wilkes to his attorney.

‘ King's Bench Prison, Friday, April 29.

‘ S I R,

The *writs of error*, in the case of my out-
lawry, being now allowed, I desire you to ex-
amine carefully into the state of the proceed-
ings, in the action I brought five years ago,
against lord Halifax, for having dared to issue
a *general warrant*. I think that action was
suspended solely by his lordship's plea, that I
was outlawed. I hope to live to hear an Eng-
lish

‘ lish jury, by a formal verdict, condemn a Secretary of State, who violated the first right of this free nation, the personal liberty of our countrymen, in the most outrageous and illegal manner. I therefore beg you to lose no time in laying before my counsel every thing proper for the prosecution of this public cause, which no consideration shall make me decline or delay.

‘ I thank you, Sir, for the daily proofs you give me of activity and zeal in the course of this great business, and desire you to believe me ever,

‘ Your obliged humble servant,

‘ JOHN WILKES

‘ To Mr. Reynolds,
‘ attorney at law, Lime-street.

The following is an exact copy of a letter from the Electors of Aylesbury to each of their presentatives.

‘ SIR,

‘ Fully persuaded that the clemency and best of Princes will, if necessary, be at length exerted in favour of Mr. Wilkes, we think that, should an attempt be made to deprive him of his seat in parliament, you will, in your connection with us, who are sincerely

Letter from Aylesbury to their Representatives. 179

our friendship for him, prefer lenity ; and
from your regard to the public, justice to his
constituents, before rigour and severity ; and
use your utmost endeavours to prevent the suc-
cess of such a measure. We are, Sir,

‘ Your most humble servants,

Edward Terry,
William Hickman,
John Dell,
Dev. Dagnall, jun.
Richard Terry,
John Smith,
Joseph Grimes,
Thomas Kirby,
John Perkins,
John Brett,
Daniel Lathwell,
John Turvey,
Francis Howse,
Henry Russell,
John Preston,
Robert Neale,
John Burnham,

John Stephens,
William Pugh,
Benjamin Bates,
John Plomer,
Rod. Hobbes,
Thomas Hill,
John Hill,
William Brooke,
John Russell,
Thomas Smith,
E. Price,
John Woodcock,
H. Stone,
Robert Patten,
Robert Jemmet,
Francis Neale,
Hen. Sherife.

Aylesbury, April 30.

Directed to John Durand, esq; and the same to
Anthony Bacon, esq;

A letter from Mr. Diderot to John Wilkes, of

‘ Paris, April 2, 1768

‘ S I R,

‘ I received, with the greatest pleasure, the
 ‘ news of your election. I happened to be with
 ‘ the President ———, when your letter was
 ‘ delivered to me: it was immediately read
 ‘ and the whole company, which was very nu-
 ‘ merous, was overjoyed at your success. Your
 ‘ social virtues will, at all times, and in
 ‘ places, render your memory dear and pre-
 ‘ cious to your friends; and the justice, which
 ‘ has been done you in so public and dis-
 ‘ tinguished a manner, indemnifies you suffi-
 ‘ ciently for the hardships of your exile. How pla-
 ‘ cing it is to reign in the hearts of men! to
 ‘ reign in those of your fellow-citizens: to
 ‘ deserve to reign in them: you have supported
 ‘ their rights; and genuine sons of freedom,
 ‘ they are, they have crowned with applau-
 ‘ the champion of their liberties.

‘ The uncommon unanimity with which
 ‘ electors voted in your favour, is an un-
 ‘ testable proof of their impartiality.
 ‘ bribery, corruption, and underhand
 ‘ which are so frequent in almost all elec-
 ‘ tions, had no place in yours: the love of lib-
 ‘ erty fired every breast, and procured you the
 ‘ suffrage of the independent electors. A

doubt not but you might have been chosen for London itself, where the different interests arising from trade set so many secret springs in motion, had the electors been as free in Guildhall, as they are interested in their commerce : but interest, you know, governs the world.

Your quiet and peaceable demeanor does you infinite honour ; and your generous and patriotic principles will render your name immortal. You quitted Paris, that agreeable retreat, where your amiable and gentleman-like behaviour hath gained you so many friends ; and notwithstanding all the amusements which we endeavoured to procure for you, in order to render your stay the more agreeable, you overlooked all dangers, and flew to support the rights of your country. Coriolanus meditated the ruin of this ; and under pretext of securing her liberties, proposed she should receive the galling yoke of slavery, after having demolished her walls. Actuated by a motive infinitely more noble, you go to yours in the character of a peace-maker ; and, as a reward of all that you have suffered for her sake, you ask nothing but the power of being further serviceable to her. In the same instant London opens to you her gates, and the citizens open their hearts ; but the greater part of the electors, restrained or intimidated by the powerful influence of the other candidates, durst

' not venture to give you their votes. The in
 ' dependent and famous county of Middlesex
 ' however, has indemnified you for the secret
 ' machinations of the one, and the base pusill
 ' lanimity of the other. Europe will be sur
 ' prized at your patriotism and your success
 ' or rather Europe will admire the one, and
 ' rejoice at the other. I am the first to fel
 ' citate you on the occasion, and to join
 ' congratulations to those of all the friends
 ' the human race, which was certainly never
 ' intended to wear fetters. The august sen
 ' of Great Britain will still count a Wilkes
 ' among its most illustrious members; and
 ' the liberty of your country will still find
 ' you a generous defender of its rights and
 ' privileges. I have the honour to be, with
 ' greatest sincerity,

‘ D I D E R O

*To the Gentlemen, Clergy, and Freeholders of
 county of Middlesex.*

‘ G E N T L E M E N,

' In support of the liberties of this country
 ' against the arbitrary rule of ministers, and
 ' before committed to the *Tower*, and afterwards
 ' sentenced to this *Prison*. Steadiness of
 ' I hope, strength of mind, do not however
 ' leave me; for the same consolation follows
 ' me here, the consciousness of innocence

having done my duty, and exerted all my poor abilities, not unsuccessfully, for this nation. I can submit even to far greater sufferings with chearfulness, because I see that my countrymen reap the happy fruits of my labours and cruel persecutions, by the repeated decisions of our sovereign courts of justice in favour of liberty. I therefore bear up with fortitude, and even glory that I am called to suffer in this cause, because I continue to find the noblest reward, the applause of my native country, of this great, free, and spirited people.

I chiefly regret, gentlemen, that this confinement deprives me of the honour of thanking you in person, according to my promise, and at present takes from me, in a great degree, the power of being useful to you. The will however, to do every service to my constituents, remains in its full force, and when my sufferings have a period, the first day I regain my liberty shall restore a life of zeal in the cause and interests of the county of Middlesex.

In this prison, in any other, in every place, my ruling passion will be the love of England and our free constitution. To those objects I will make every sacrifice. Under all the oppressions, which ministerial rage and revenge can invent, my steady purpose is to concert with you, and other true friends of this country, the most probable means of

184 *Mr. Wilkes brought before the Court of K. B.*

‘ rooting out the remains of arbitrary power,
‘ and star-chamber inquisition, and of improv-
‘ ing, as well as securing, the generous plan
‘ of freedom, which were the boast of our an-
‘ cestors, and I trust will remain the noblest
‘ inheritance of our posterity, the only genuine
‘ characteristic of Englishmen.

‘ I have the honour to be,

‘ with affection and regard,

‘ G E N T L E M E N,

‘ Your obliged and faithful

‘ Humble servant,

‘ King’s Bench Prison,

‘ Thursday, May 5, 1768.

‘ JOHN WILKES

June 9. This morning at eight, Mr. Wilkes was brought from the prison of the King Bench to the court. The judges came about nine. It had been mentioned the last term that a new argument was desired, and that new ground might be taken for the reversal of the outlawry. At the opening of the court, Mr. Wilkes made a short speech, that he was perfectly satisfied with the state of the argument as it was left by Mr. Serjeant Glynn, that he did not mean to quit the firm and solid ground on which it rested, and was persuaded, from

the justice of the court, that his outlawry must be reversed. The Attorney-general then, in support of the outlawry, entered upon a very long argument, to which no one of Mr. Wilkes's counsel replied. The judges afterwards delivered their opinions very fully, and were unanimous that the outlawry was illegal, and must be reversed. Their lordships differed as to some reasons, but all concurred in the reversal, and the irregularity of the proceedings. The Attorney-general then demanded judgment on the two verdicts. Mr. Wilkes desired to avail himself of several points in arrest of judgment. He said, that when he had the honour of appearing before that court on the 14th of April, he had stated the case of the alteration of the records at lord Mansfield's own house; that his lordship had replied; but that however his lordship had delivered only his own opinion; and the opinion of one judge, however distinguished for great ability, was not the judgment of the court, which he desired, and submitted to, and begged that his counsel might argue that, and some other points of importance. Several things were afterwards mentioned to the Attorney-general, and by Mr. Wilkes's counsel. At last the court fixed the next Tuesday to debate, Whether both verdicts ought not to be set aside on the objections as to the records having been altered, and that the informations were not filed by the proper officer, but by the solicitor-general.

The

The right honourable the lord Mansfield made the following very long and elaborate speech on the subject of Mr. Wilkes's outlawry, and in justification of his own conduct which had been the cause of much popular abuse being thrown out against his lordship.

Lord Mansfield's speech in the court of King's Bench.

‘ I have now gone through the several errors assigned by the defendant, and which have been ingeniously argued, and confidently relied on, by his counsel at the bar: I have given my sentiments upon them, and if, upon the whole, after the closest attention to what has been said, and with the strongest inclination in favour of the defendant, no arguments which have been urged, no cases which have been cited, no reasons which occur to me, sufficient to satisfy me in my conscience and judgment, that this outlawry should be reversed, I am bound to affirm it—and let me make a pause.

‘ Many arguments have been suggested, in and out of court, upon the consequence of establishing this outlawry, either as it may affect the defendant as an individual, or the public in general: as to the first, whatever they may be, the defendant has brought them upon himself; they are inevitable
‘ sequ

sequences of law arising from his own act; if the penalty, to which he is thereby subjected, is more than a punishment adequate to the crime he has committed, he should not have brought himself into this unfortunate predicament, by flying from the justice of his country; he thought proper to do so, and he must taste the fruits of his own conduct, however bitter and unpalatable they may be; and although we may be heartily sorry for any person who has brought himself into this situation, it is not in our power, God forbid it should ever be in our power, to deliver him from it; we cannot prevent the judgment of the law by creating irregularity in the proceedings; we cannot prevent the consequences of that judgment by pardoning the crime; if the defendant has any pretensions to mercy, those pretensions must be urged, and that power exercised in another place, where the constitution has wisely and necessarily vested it: the crown will judge for itself; it does not belong to us to interfere with punishment; we have only to declare the law; none of us had any concern in the prosecution of this business, nor any wishes upon the event of it; it was not our fault that the defendant was prosecuted for the libels upon which he has been convicted; I took no share in another place, in the measures which were taken to prosecute him for one of them; it was not our fault that he was convicted; it

‘ it was not our fault that he fled ; it was not
‘ our fault that he was outlawed ; it was not
‘ our fault that he rendered himself up to justice ; none of us revived the prosecution
‘ against him, nor could any one of us stop
‘ that prosecution when it was revived ; it is
‘ not our fault if there are not any errors upon
‘ the record, nor is it in our power to create
‘ any if there are none ; we are bound by our
‘ oath and in our consciences, to give such
‘ judgment as the law will warrant, and
‘ our reason can approve ; such a judgment
‘ we must stand or fall by, in the opinion
‘ the present times, and of posterity ; in deciding
‘ it, therefore, we must have regard
‘ our reputation as honest men, and men
‘ skill and knowledge competent to the station
‘ we hold ; no considerations whatsoever should
‘ mislead us from this great object, to which
‘ we ever ought, and I trust, ever shall direct
‘ our attention. But consequences of a public
‘ nature, reasons of state, political ones, have
‘ been strongly urged, (private anonymous letters
‘ sent to me I shall pass over) open avowed
‘ publications which have been judicially noticed,
‘ and may therefore be mentioned, have
‘ endeavoured to influence or intimidate the
‘ court, and so prevail upon us to trifle and
‘ prevaricate with God, our consciences, and
‘ the public : it has been intimated, that consequences
‘ of a frightful nature will flow from the
‘ the establishment of this outlawry ; it is

the people expect the reversal, that the temper of the times demand it, that the multitude will have it so, that the continuation of the outlawry in full force will not be endured, that the execution of the law upon the defendant will be resisted: these are arguments which will not weigh a feather with me. If insurrection and rebellion are to follow our determination, we have not to answer for the consequences, though we should be the innocent cause—we can only say, *fiat justitia, ruat cælum*; we shall discharge our duty without expectations of approbation, or the apprehensions of censure; if we are subjected to the latter unjustly, we must submit to it; we cannot prevent it; we will take care not to deserve it. He must be a weak man indeed who can be staggered by such a consideration.

The misapprehension, or the misrepresentation of the ignorant or the wicked, the *mendax infamia*, which is the consequence of both, are equally indifferent to, unworthy the attention of, and incapable of making any impression on men of firmness and intrepidity.——Those who imagine judges are capable of being influenced by such unworthy, indirect means, most grossly deceive themselves; and for my own part, I trust that my temper, and the colour and conduct of my life, hath clothed me with a suit of armour to shield me from such arrows. If I have

‘ ever

' ever supported the King's measures, if I have
 ' ever afforded any assistance to government
 ' if I have discharged my duty as a public or
 ' private character, by endeavouring to pre
 ' serve pure and perfect the principles of the
 ' constitution, maintain unsullied the honour
 ' of the courts of justice, and, by an upright
 ' administration of, to give a due effect to, the
 ' laws, I have hitherto done it without any
 ' other gift or reward than that most pleasing
 ' and most honourable one, the conscientious
 ' conviction of doing what was right. I do
 ' not affect to scorn the opinion of mankind
 ' I wish earnestly for popularity, I will seek
 ' and will have popularity; but I will tell you
 ' how I will obtain it; I will have that popu
 ' larity which follows, and not that which
 ' is run after. It is not the applause of a day
 ' it is not the huzzas of thousands, that
 ' give a moment's satisfaction to a rational
 ' being; that man's mind must indeed be a wretched
 ' one, and his ambition of a most depraved sort
 ' who can be captivated by such wretched
 ' allurements, or satisfied with such momentary
 ' gratifications. I say with the Roman orator
 ' and can say it with as much truth as he
 ' "*Ego hoc animo semper fui, ut invidiam vitæ
 ' partam, gloriam non infamiam, putarem.*"
 ' the threats have been carried further,
 ' personal violence has been denounced, and
 ' public humour be complied with; I do not
 ' fear such threats, I do not believe the

any reason to fear them : it is not the genius of the worst of men in the worst of times to proceed to such shocking extremities : but if such an event should happen, let it be so, even such an event might be productive of wholesome effects ; such a stroke might rouse the better part of the nation from their lethargic condition to a state of activity, to assert and execute the law, and punish the daring and impious hands which had violated it ; and those who now supinely behold the danger which threatens all liberty, from the most abandoned licentiousness, might, by such an event, be awakened to a sense of their situation, as drunken men are sometimes stunned into sobriety. If the security of our persons and our property, of all we hold dear and valuable, are to depend upon the caprice of a giddy multitude, or to be at the disposal of a giddy mob ; if, in compliance with the humours, and to appease the clamours of those, all civil and political institutions are to be disregarded or overthrown, a life somewhat more than sixty is not worth preserving at such a price, and he can never die too soon, who lays down his life in support and vindication, of the policy, the government, and the constitution of his country *.

June

* Q U E R I E S.

Query 1. Is not this Speech rather a panegyrick on the Speaker himself, than a discourse on the Reversal of Mr. Wilkes's Outlawry ?

2. Would

June 14. This morning at eight, Mr. Wilkes was again brought up to the court of King's Bench. The court sat about nine. Mr. Serjeant Glynn, the recorder of London, Mr. Mansfield, and Mr. Davenport, argued very largely on the two points, the filing of the information by the solicitor, not the attorney-general, and the alteration of the records at Mr. Mansfield's house the evening before the trial without the knowledge of Mr. Wilkes. The one was in arrest of judgment, the other was for a new trial. The attorney-general, Sir Fletcher Norton, and Mr. Thurlow, made long speeches in reply, which were answered by Mr. Serjeant Glynn. Then the court proceeded to deliver their opinions, and over-ruled both objections. Mr. serjeant Glynn next took notice, that as a writ of error was intended to be brought before a higher court of justice, before the House of Lords, he desired that the case of the alteration of the records, under such peculiar circumstances, might be stated on the back of the record, to be transmitted to the lords, otherwise that important point could not come before the house. This was absolutely refused by the court.

2. *Would it not have been more proper for the ESTABLISHMENT to have reversed the Outlawry?*

3. *Was it not studied when the former was intended?*

Lord Mansfield then made his report of the trials. The attorney-general, Sir Fletcher Norton, and Mr. Thurlow, spoke in aggravation of both offences, and Mr. serjeant Glynn answered their arguments. After this, Mr. Wilkes desired that judgment might be passed on him. The court declared, that they would not then pass judgment, but would consider it among themselves; and upon Mr. Wilkes's again pressing for a very early day, promised that there should be no delay. Mr. Wilkes again offered bail, which was refused by the court. They continued sitting near six.

June 18. This morning about eight, Mr. Wilkes was brought up to the court of King's Bench. Lord Mansfield, and the other three judges took their seats before nine. Mr. justice Garrow harangued on the two offences; but took notice of Mr. Kearsly's affidavit, setting forth, that the letters produced on the trial of the *Essay Woman*, by which Mr. Wilkes was condemned, were taken from Mr. Kearsly by force, and the authority of an illegal *general warrant*. Mr. justice Yates dwelt on the publication of the poem; but only on the nature and tendency of it. He then passed the following sentence:—That Mr. Wilkes be imprisoned forty-two calendar months from this day: that he pay a fine of one thousand pounds; that he give security for his future good behaviour for seven years; himself in a bond for one thousand pounds.

pend. VOL. I. N thousand

thousand pounds, and two sureties in bonds five hundred pounds each.

Mr. Wilkes himself then moved for a writ of error to the House of Lords; and said, that from the wisdom and justice of that court, he hoped that the alteration of the records by lord chief justice Mansfield, at his own house, might be put in such a form as to come by way of appeal before the House of Lords. Lord Mansfield replied, that they could not alter the records. Mr. Wilkes repeated his request, that so important a point might be brought before a superior court, and received the same answer from lord Mansfield, that they could not alter the records.
L-A-W.

A C H A R A C T E R.

“ On the OTHER side up rose

“ BELIAL;

“ A fairer person lost not heav’n; he seem’d

“ For dignity compos’d and high exploit;”

“ But all was FALSE and HOLLOW; then

“ his tongue

“ Dropt Manna, and could make the

“ appear

“ The BETTER reason.”

MILTON, book II. line 108.

Mr. Wilkes is determined to bring the case of the *Alteration of the Records* before the Court.

Mr. Wilkes's Address to his Constituents. 195

*Committee for Grievances in the House of Commons *.*

The following is Mr. *Wilkes's* Address to his constituents on the same day.

to the gentlemen, clergy, and freeholders of the county of Middlesex.

* GENTLEMEN,

After every kind of opposition from the tools of ministerial power, and every hour of delay, which could be gained by the chicanery of law, I find myself at last happy, even under this day's severe sentence, that by the unanimous determination of all the judges of the court of King's Bench I am restored to my birth-right, to the noble liberties and privileges of an Englishman. The outlawry, which is now reversed, has appeared clearly to be an act of equal injustice and cruelty, from the very beginning erroneous and illegal. In the whole progress of ministerial vengeance against me for several years, I have shewn, to the conviction of all mankind, that my enemies have trampled on the laws, and been actuated by the spirit of tyranny and arbitrary power. The *general warrant*, under

* See North Briton, No. 113, 114, and 115.

' which I was first apprehended, has been ad
 ' judged illegal. The seizure of my paper
 ' was condemned judicially. The outlawry
 ' so long the topic of virulent abuse, is at la
 ' declared to have been contrary to law; an
 ' on the ground first taken by my learned coun
 ' sel, Mr. serjeant Glynn, is formally reverse
 ' It still remains in this public cause, that t
 ' justice of the nation should have place again
 ' the first and great criminal, the late secreta
 ' of state, lord Halifax, not so much for the p
 ' nishment he has merited, as for the exam
 ' of terror to any present or future minist
 ' who might otherwise be tempted to invade
 ' sacred liberties of our country. I pledge
 ' self to you, that my strongest efforts shall
 ' exerted to carry this through with a spirit
 ' firmness becoming an affair of national con
 ' quence, yet without the smallest degree
 ' private rancour or malice, which neither
 ' long and hard imprisonment, nor the
 ' provocations, shall make me harbour ag
 ' any man.

' At the end of this tedious and harsh
 ' finement, I hope, gentlemen, to pass the
 ' of my life a freeman among you, my free
 ' countrymen; and, give me leave to dec
 ' that on every emergency, whenever the r
 ' of the people are attacked, I shall be
 ' to stand forward, and to risk all for
 ' is nearest to my heart, the freedom of
 ' land. In this glorious cause we are eq
 ' eng

198 *Mr. Wilkes's Address to his Constituents.*

‘ service, a private gentleman, perfectly free,
‘ under no controul but the laws, under no
‘ influence but yours, and I hope by your fa-
‘ vour and kindness, one of the representa-
‘ tives of parliament for the county of Middle-
‘ sex. On these terms only I expect through-
‘ life the continuance of your support, as well
‘ as the favourable opinion of you, and all other
‘ good men, the friends of liberty and of my
‘ country.

‘ I am, GENTLEMEN,

‘ With gratitude and esteem,

‘ Your faithful and obedient

‘ Humble servant,

‘ King’s Bench prison,

‘ Saturday, June 18, 1768.

‘ JOHN WILKES

The court of Common Pleas was moved
June 20, by Mr. serjeant Nares, for an attach-
ment against the printer of the Gazetteer,
publishing the above address to the Gentlemen
Clergy, and Freeholders of the county of
Middlesex, as he apprehended the same tended
to inflame the jury of the county, before which
the cause was to be tried. The court asked
him,—“ Whether he made that motion
“ behalf of the Attorney-General?” When
he averring, the address was read, and the court
declared

declared that they did not see any thing justly
deserving censure, and refused the attachment.
The same day the court of Common Pleas
was moved, that, as Mr. Wilkes's outlawry
was now reversed, he might be at liberty to
withdraw his demurrer to Lord Halifax's plea
and reply ; but the court were of opinion, that
it was proper to give a term's notice of this
motion, and Mr. Wilkes's attorney gave notice
accordingly.

A N A D D R E S S .

*to the gentlemen, clergy, and freeholders of the
county of Middlesex.*

‘ Gentlemen,

‘ I cannot suppress the emotions of a grate-
ful heart. I must pay you my best tribute
of thanks for the many proofs of a noble and
generous friendship, which you have con-
tinued to me in this prison now for above six
months. I will not lament my past suf-
ferings, nor even a harsh and cruel sentence,
because that I find your favour and protection
are extended to me in proportion to the en-
crease of the persecutions I undergo. Every
day gives a fresh mark of your kindness and
affection ; I trust that I may add likewise, of
my firmness in the cause, as well as steady
attachment of my friends, the supporters of
‘ freedom,

‘ freedom, and the constitution of our native country.

‘ The parliament being summoned to meet the next week for the dispatch of business, I think it my duty to submit to you the particulars of my future conduct. I mean, to petition the *House of Commons*, as the gran inquest of the nation, in the full hope of redress of all my grievances, which have arisen from various acts of arbitrary power exerted by the ministers, the illegalities respecting the two trials, and especially the alteration of the records. I have already lodged an appeal against the two sentences before the *House of Lords*, as the supreme judicature of this kingdom, and I shall bring before their Lordships the whole state of the legal proceedings, which I believe are no less erroneous and invalid than those have already been declared to be which respected the outlawry. The meeting of parliament will suspend the important public cause against *Lord Halifax*, which cannot be tried till the term following the next prorogation.

‘ I look forward, gentlemen, to the happy moment of regaining my freedom, and giving you in a British senate the clear demonstration that the principles of Liberty have taken a deep root in my heart. You shall find me a faithful guardian of the civil and religious liberties of the people of England, strenuous and unwearied in my endeavours.

vours to destroy all the remains of despotic power among our free-born countrymen. I shall think it a glorious reward of my toils, if, in one instance only, a point of the utmost moment, grand juries may, through my efforts, recover the power and right given them by the first principles of the constitution, which are at present entirely lost in the mode of proceeding by *information*, so long, to the great grievance of the subject, practised both by the Attorney-general and the judges of the court of King's Bench. In this, and every other point of national liberty, I shall earnestly beg your assistance. I hope at all times in public business to have the advantage of your counsels to perfect the plan of securing and guarding the liberties of the freest nation in the world, against future attacks of wicked ministers, or even encroachments of the crown; which security can only be obtained by the most wholesome laws and the wisest regulations, built on the firm basis of *Magna Charta*, the great preserver of the lives, freedom, and property of Englishmen.

‘ I am, GENTLEMEN,

‘ Under encreasing obligations,

‘ Your faithful and obedient

‘ Humble servant,

King's Bench prison,

Thursday, Nov. 3, 1768.

‘ JOHN WILKES.’

202 *Proceedings against Mr. W. to 1768, concluded*

Thus have we given, to the best of our Ability, a distinct and accurate Account of all the Proceedings against Mr. Wilkes to the 3d of November 1768. Those which follow that period will be found in the succeeding Numbers of the *North Briton*.



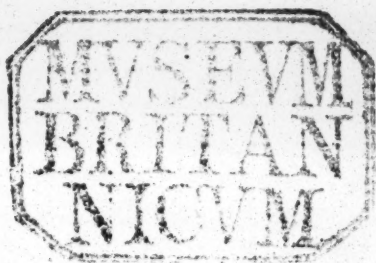
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